

# EXAMINING EQUITY IN TRANSPORTATION SAFETY ENFORCEMENT

---

(117-4)

REMOTE HEARING  
BEFORE THE  
SUBCOMMITTEE ON  
HIGHWAYS AND TRANSIT  
OF THE  
COMMITTEE ON  
TRANSPORTATION AND  
INFRASTRUCTURE  
HOUSE OF REPRESENTATIVES  
ONE HUNDRED SEVENTEENTH CONGRESS  
FIRST SESSION

—  
FEBRUARY 24, 2021  
—

Printed for the use of the  
Committee on Transportation and Infrastructure



Available online at: [https://www.govinfo.gov/committee/house-transportation?path=/  
browsecommittee/chamber/house/committee/transportation](https://www.govinfo.gov/committee/house-transportation?path=/browsecommittee/chamber/house/committee/transportation)

—  
U.S. GOVERNMENT PUBLISHING OFFICE

44-521 PDF

WASHINGTON : 2021

PETER A. DeFAZIO, Oregon, *Chair*

ELEANOR HOLMES NORTON, District of Columbia	SAM GRAVES, Missouri
EDDIE BERNICE JOHNSON, Texas	DON YOUNG, Alaska
RICK LARSEN, Washington	ERIC A. "RICK" CRAWFORD, Arkansas
GRACE F. NAPOLITANO, California	BOB GIBBS, Ohio
STEVE COHEN, Tennessee	DANIEL WEBSTER, Florida
ALBIO SIRE, New Jersey	THOMAS MASSIE, Kentucky
JOHN GARAMENDI, California	SCOTT PERRY, Pennsylvania
HENRY C. "HANK" JOHNSON, JR., Georgia	RODNEY DAVIS, Illinois
ANDRE CARSON, Indiana	JOHN KATKO, New York
DINA TITUS, Nevada	BRIAN BABIN, Texas
SEAN PATRICK MALONEY, New York	GARRET GRAVES, Louisiana
JARED HUFFMAN, California	DAVID ROUZER, North Carolina
JULIA BROWNLEY, California	MIKE BOST, Illinois
FREDERICA S. WILSON, Florida	RANDY K. WEBER, SR., Texas
DONALD M. PAYNE, JR., New Jersey	DOUG LAMALFA, California
ALAN S. LOWENTHAL, California	BRUCE WESTERMAN, Arkansas
MARK DeSAULNIER, California	BRIAN J. MAST, Florida
STEPHEN F. LYNCH, Massachusetts	MIKE GALLAGHER, Wisconsin
SALUD O. CARBAJAL, California	BRIAN K. FITZPATRICK, Pennsylvania
ANTHONY G. BROWN, Maryland	JENNIFFER GONZALEZ-COLON, Puerto Rico
TOM MALINOWSKI, New Jersey	TROY BALDERSON, Ohio
GREG STANTON, Arizona	PETE STAUBER, Minnesota
COLIN Z. ALLRED, Texas	TIM BURCHETT, Tennessee
SHARICE DAVIDS, Kansas, <i>Vice Chair</i>	DUSTY JOHNSON, South Dakota
JESÚS G. "CHUY" GARCÍA, Illinois	JEFFERSON VAN DREW, New Jersey
ANTONIO DELGADO, New York	MICHAEL GUEST, Mississippi
CHRIS PAPPAS, New Hampshire	TROY E. NEHLS, Texas
CONOR LAMB, Pennsylvania	NANCY MACE, South Carolina
SETH MOULTON, Massachusetts	NICOLE MALLIOTAKIS, New York
JAKE AUCHINCLOSS, Massachusetts	BETH VAN DUYN, Texas
CAROLYN BOURDEAUX, Georgia	CARLOS A. GIMENEZ, Florida
KAI'ALI'I KAHELE, Hawaii	MICHELLE STEEL, California
MARILYN STRICKLAND, Washington	
NIKEMA WILLIAMS, Georgia	
MARIE NEWMAN, Illinois	
VACANCY	

SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

ELEANOR HOLMES NORTON, District of Columbia, *Chair*

EDDIE BERNICE JOHNSON, Texas	RODNEY DAVIS, Illinois
ALBIO SIRES, New Jersey	DON YOUNG, Alaska
JOHN GARAMENDI, California	ERIC A. "RICK" CRAWFORD, Arkansas
HENRY C. "HANK" JOHNSON, JR., Georgia	BOB GIBBS, Ohio
SEAN PATRICK MALONEY, New York	THOMAS MASSIE, Kentucky
JULIA BROWNLEY, California	SCOTT PERRY, Pennsylvania
FREDERICA S. WILSON, Florida	JOHN KATKO, New York
ALAN S. LOWENTHAL, California	BRIAN BABIN, Texas
MARK DeSAULNIER, California	DAVID ROUZER, North Carolina
STEPHEN F. LYNCH, Massachusetts	MIKE BOST, Illinois
ANTHONY G. BROWN, Maryland	DOUG LAMALFA, California
GREG STANTON, Arizona	BRUCE WESTERMAN, Arkansas
COLIN Z. ALLRED, Texas	MIKE GALLAGHER, Wisconsin
JESÚS G. "CHUY" GARCÍA, Illinois	BRIAN K. FITZPATRICK, Pennsylvania
ANTONIO DELGADO, New York	JENNIFFER GONZÁLEZ-COLÓN, Puerto Rico
CHRIS PAPPAS, New Hampshire	TROY BALDERSON, Ohio
CONOR LAMB, Pennsylvania	PETE STAUBER, Minnesota
JAKE AUCHINCLOSS, Massachusetts	TIM BURCHETT, Tennessee
CAROLYN BOURDEAUX, Georgia	DUSTY JOHNSON, South Dakota
MARILYN STRICKLAND, Washington	MICHAEL GUEST, Mississippi
GRACE F. NAPOLITANO, California	TROY E. NEHLS, Texas
JARED HUFFMAN, California	NANCY MACE, South Carolina
SALUD O. CARBAJAL, California	NICOLE MALLIOTAKIS, New York
SHARICE DAVIDS, Kansas	BETH VAN DUYNE, Texas
SETH MOULTON, Massachusetts	CARLOS A. GIMENEZ, Florida
KAIALI'Ī KAHELE, Hawaii	MICHELLE STEEL, California
NIKEMA WILLIAMS, Georgia	SAM GRAVES, Missouri ( <i>Ex Officio</i> )
MARIE NEWMAN, Illinois	
STEVE COHEN, Tennessee	
PETER A. DeFAZIO, Oregon ( <i>Ex Officio</i> )	



## CONTENTS

	Page
Summary of Subject Matter .....	vii
STATEMENTS OF MEMBERS OF THE COMMITTEE	
Hon. Eleanor Holmes Norton, a Delegate in Congress from the District of Columbia, and Chair, Subcommittee on Highways and Transit:	
Opening statement .....	1
Prepared statement .....	3
Hon. Rodney Davis, a Representative in Congress from the State of Illinois, and Ranking Member, Subcommittee on Highways and Transit:	
Opening statement .....	4
Prepared statement .....	5
Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure:	
Opening statement .....	6
Prepared statement .....	6
Hon. Eddie Bernice Johnson, a Representative in Congress from the State of Texas, prepared statement .....	58
Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure, prepared statement .....	95
WITNESSES	
Larry Sandigo, Former Chair, Community Advisory Board for <i>Melendres v. Arpaio</i> , Maricopa County, Arizona:	
Oral statement .....	9
Prepared statement .....	11
Lorraine M. Martin, President and Chief Executive Officer, National Safety Council:	
Oral statement .....	14
Prepared statement .....	15
Michelle Ramsey Hawkins, Victim, Survivor, and Volunteer, Mothers Against Drunk Driving:	
Oral statement .....	31
Prepared statement .....	33
Ken Barone, Project Manager, Institute for Municipal and Regional Policy, Central Connecticut State University:	
Oral statement .....	38
Prepared statement .....	39
Rashawn Ray, Ph.D., Professor of Sociology, University of Maryland; Executive Director, Lab for Applied Social Science Research, and Fellow, The Brookings Institution:	
Oral statement .....	44
Prepared statement .....	46
SUBMISSIONS FOR THE RECORD	
Letter of August 13, 2020, from Hon. Dusty Johnson, a Representative in Congress from the State of South Dakota, Submitted for the Record by Hon. Johnson .....	61
Submissions for the Record by Hon. Eleanor Holmes Norton:	
Letter of February 23, 2021, from Catherine Chase, President, Advocates for Highway and Auto Safety, and Dawn King, President, Truck Safety Coalition .....	95

	Page
Submissions for the Record by Hon. Eleanor Holmes Norton—Continued	
Red Light Camera Program—Checklist .....	101
Letter of February 23, 2021, from Chuck DeWeese, Chair, Governors Highway Safety Association, and Assistant Commissioner, New York Governor's Traffic Safety Committee .....	102
Letter of February 24, 2021, from Leah Shahum, Executive Director, Vision Zero Network .....	103
Article entitled, "Nine key takeaways from the Globe's 'Blind Spot' investigation," by Matt Rocheleau, Vernal Coleman, Evan Allen, Laura Crimaldi, and Brendan McCarthy, Boston Globe, updated August 25, 2020, Submitted for the Record by Hon. Seth Moulton .....	106
Letter of March 10, 2021, from Gary Biller, President and Chief Executive Officer, National Motorists Association (NMA), and Legislative Text of NMA's Driver Education Through Enforcement Response (DETER) Act, Submitted for the Record by Hon. David Rouzer .....	108

## APPENDIX

Question from Hon. Frederica S. Wilson to Larry Sandigo, Former Chair, Community Advisory Board for <i>Melendres v. Arpaio</i> , Maricopa County, Arizona .....	111
Questions to Lorraine M. Martin, President and Chief Executive Officer, National Safety Council, from:	
Hon. Seth Moulton .....	111
Hon. Nikema Williams .....	112
Hon. Steve Cohen .....	112
Hon. Frederica S. Wilson .....	114
Hon. Rodney Davis .....	115
Hon. Mike Gallagher .....	116
Question from Hon. Frederica S. Wilson to Michelle Ramsey Hawkins, Victim, Survivor, and Volunteer, Mothers Against Drunk Driving .....	117
Questions to Ken Barone, Project Manager, Institute for Municipal and Regional Policy, Central Connecticut State University, from:	
Hon. Peter A. DeFazio .....	117
Hon. Frederica S. Wilson .....	118
Hon. Rodney Davis .....	119
Questions to Rashawn Ray, Ph.D., Professor of Sociology, University of Maryland; Executive Director, Lab for Applied Social Science Research, and Fellow, The Brookings Institution, from:	
Hon. Peter A. DeFazio .....	120
Hon. Frederica S. Wilson .....	120



Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington, DC 20515

Peter A. DeFazio  
Chairman

Katherine W. Dedrick, Staff Director

Sam Graves  
Ranking Member

Paul J. Sans, Republican Staff Director

FEBRUARY 24, 2021

**SUMMARY OF SUBJECT MATTER**

TO: Members, Subcommittee on Highways and Transit  
FROM: Staff, Subcommittee on Highways and Transit  
RE: Subcommittee Hearing on “Examining Equity in Transportation Safety Enforcement”

---

**PURPOSE**

The Subcommittee on Highways and Transit will meet on Wednesday, February 24, 2021, at 11:00 a.m. in 2167 Rayburn House Office Building and virtually via Cisco WebEx to receive testimony related to the hearing entitled “Examining Equity in Transportation Safety Enforcement.” The purpose of this hearing is to examine the role of enforcement in supporting traffic safety, and associated equity implications. The Subcommittee will hear from representatives of the Community Advisory Board to the Maricopa County Sheriff’s Office, The National Safety Council, Mothers Against Drunk Driving, Central Connecticut State University’s Institute for Municipal and Regional Policy, and the University of Maryland.

**BACKGROUND**

The National Highway Traffic Safety Administration’s (NHTSA) mission is to save lives, prevent injuries, and reduce vehicle-related crashes on our nation’s roadways.<sup>1</sup> To help achieve this, NHTSA administers programs focused on deterring unsafe driving behaviors—speeding, intoxicated driving, distracted driving, etc.<sup>2</sup> NHTSA’s driver behavior programs fall under the jurisdiction of the Subcommittee on Highways and Transit.

NHTSA provides formula and incentive grants to State governments to develop and carry out effective highway safety programs. NHTSA also administers the Fatality Analysis Reporting System (FARS) which contains data on fatal traffic crashes within the 50 States, the District of Columbia, and Puerto Rico. FARS is vital to the mission of NHTSA and is critical to understanding the leading causes of motor vehicle crash fatalities. FARS data is also used to evaluate whether State efforts to improve traffic safety are effective. NHTSA obtains the data from each State via cooperative agreement.<sup>3</sup>

In order to receive funding from NHTSA, States are required to develop an annual highway safety plan that is evidence-based and data driven, and that responds to the safety problems in that State.<sup>4</sup> State governments must operate an effective

---

<sup>1</sup> NHTSA’s Core Values at <https://www.nhtsa.gov/about-nhtsa/nhtsas-core-values>.

<sup>2</sup> About NHTSA at <https://www.nhtsa.gov/about-nhtsa>.

<sup>3</sup> Fatality Analysis Reporting System at <https://www.nhtsa.gov/crash-data-systems/fatality-analysis-reporting-system>.

<sup>4</sup> Sec. 402(k)(5)(b)(i)(1) of title 23 U.S.C.

highway safety program consistent with national highway safety goals and their highway safety plan.<sup>5</sup> States administer the program through a state highway safety agency.<sup>6</sup>

The authority to set and enforce traffic safety laws lies with the States. Although NHTSA has no authority or jurisdiction over law enforcement or State traffic safety laws, it encourages States, Tribes, and U.S. Territories to adopt strong traffic safety laws and pursue traffic safety initiatives through its formula and incentive grant programs.

NHTSA research shows that one of the most effective means for deterring unsafe driving behaviors is through enforcement of traffic safety laws.<sup>7</sup> Currently, many traffic safety laws are enforced by State and local law enforcement agencies. According to researchers at Stanford University, law enforcement makes approximately 50,000 traffic stops nationwide on an average day.<sup>8</sup> More than 20 million drivers are pulled over each year, making traffic stops one of the primary interactions between the public and law enforcement. Funding for law enforcement is an eligible expense under NHTSA's highway safety programs.

#### *TRAFFIC CRASHES*

##### *Data*

According to NHTSA analysis, motor vehicle crashes were the 13th leading cause of death overall in the U.S. in recent years and the number one cause of death for teenagers and young adults.<sup>9</sup> In 2019, there were 36,096 people killed in motor vehicle traffic crashes on U.S. roadways and an estimated 2.74 million injured.<sup>10</sup> The U.S. Department of Transportation (DOT) estimated motor vehicle crashes cost the U.S. economy \$242 billion in direct costs and \$836 billion in indirect costs in 2010.<sup>11</sup>

The 2019 fatality total represents a two percent decrease from the 2018 total. While the 2019 fatality rate—the ratio of the number of fatalities to the number of vehicle miles traveled—was the lowest rate since 2014, total fatalities show a 10 percent increase from the 2014 total. Although traffic fatalities have declined over the last several years, NHTSA's preliminary data indicates that traffic crash fatalities increased in 2020.<sup>12</sup>

##### *Impacts of Dangerous Driving*

Unsafe driving practices (speeding, intoxicated driving, distracted driving, etc.) are the primary cause of traffic crashes.<sup>13</sup> According to NHTSA analysis, one person was killed in a motor vehicle crash every 14 minutes in 2018.<sup>14</sup> Another five people were injured every minute while one pedestrian was killed every 84 minutes that same year.<sup>15</sup>

For more than two decades, speeding has been a contributing factor in approximately one-third of all motor vehicle fatalities making it one of the leading causes of roadway deaths.<sup>16</sup> In 2019, 9,277 people died in speeding-related crashes accounting for roughly 25 percent of all traffic fatalities that year.<sup>17</sup> According to NHTSA, there are more instances of speeding and reckless driving on the road now than in the past because there are more drivers driving more miles on the same roads today than ever before.<sup>18</sup>

Alcohol-impaired driving remains a leading cause of roadway fatalities each year, accounting for approximately one-third of total motor vehicle traffic fatalities.<sup>19</sup> Every day, almost 30 people in the United States die in drunk-driving crashes which is an average of one person every 50 minutes.<sup>20</sup> Drunk driving is illegal in

<sup>5</sup> *Id.*

<sup>6</sup> Sec. 402(b)(1) of title 23 U.S.C.

<sup>7</sup> [https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812478\\_v5\\_countermeasures-that-work-a-highway-safety-countermeasures-guide-9thedition-2017.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812478_v5_countermeasures-that-work-a-highway-safety-countermeasures-guide-9thedition-2017.pdf).

<sup>8</sup> <https://openpolicing.stanford.edu/findings/>.

<sup>9</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812927>.

<sup>10</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813060>.

<sup>11</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013>.

<sup>12</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813004>.

<sup>13</sup> Top 7 Causes of Car Accidents—2020 Statistics at <https://www.after-car-accidents.com/car-accident-causes.html>

<sup>14</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812961>.

<sup>15</sup> *Id.*

<sup>16</sup> <https://www.nhtsa.gov/risky-driving/speeding>.

<sup>17</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813060>.

<sup>18</sup> <https://www.nhtsa.gov/risky-driving/speeding>.

<sup>19</sup> <https://www.nhtsa.gov/risky-driving/drunk-driving>.

<sup>20</sup> *Id.*



every state, yet in the 10-year period from 2009–2018 more than 10,000 people died each year in drunk-driving crashes.<sup>21</sup>

Other major contributors to traffic fatalities and injuries include distracted driving, fatigued driving, drug-impaired driving, and incorrect or non-use of seat belts.<sup>22</sup> Distracted driving alone claimed 2,841 lives in 2018.<sup>23</sup> According to NHTSA, sending or reading a text takes your eyes off the road for five seconds. If a driver is travelling at 55 mph, those five seconds equate to driving the length of an entire football field with your eyes closed.<sup>24</sup>

#### ENFORCEMENT AND EQUITY

There are many tools which help deter unsafe driving behavior, such as driver's education, but enforcement of traffic safety laws remains a key component of maintaining safety on our roads according to NHTSA research on the most effective countermeasures.<sup>25</sup> However, the use of enforcement to promote traffic safety raises significant equity implications.

Researchers analyzing traffic stop data from across the U.S. have confirmed that law enforcement pull over minority drivers at a higher rate than white drivers.<sup>26</sup> In 2013, the National Institute of Justice stated that, "research has verified that people of color are more often stopped than whites."<sup>27</sup>

In 2007, a class action lawsuit was brought against the Sheriff of Maricopa County and the Maricopa County Sheriff's Office (MCSO) in Arizona claiming officers were discriminating against Latinos by targeting them for unlawful traffic stops.<sup>28</sup> The plaintiffs claimed that MCSO officers were conducting "saturation patrols" in which officers would saturate a given area of the county and target Latino drivers for traffic stops as a way to check their immigration status.<sup>29</sup> The court later affirmed the plaintiffs' case, finding that MCSO's use of race as a factor in deciding who to pull over violates the Equal Protection Clause of the Fourteenth Amendment and issued an order prohibiting officers from using race to decide whether or not to stop someone.<sup>30</sup>

The U.S. Department of Justice (DOJ) performed its own investigation into the accusations in Maricopa County and found that MCSO officers stopped Latinos in their vehicles, "four to nine times more often," than similarly situated non-Latino drivers and that stops were made "without the required legal justification."<sup>31</sup> The DOJ later filed a lawsuit against the Sheriff and the MCSO and subsequently won.<sup>32</sup>

There is little data on traffic stops nationally because traffic violations are issued by State and local governments. Last year, researchers at Stanford University published a first of its kind analysis of over 100 million traffic stops conducted nationwide.<sup>33</sup> The study found that black drivers were less likely to be stopped after sunset, when a 'veil of darkness' masks one's race, suggesting bias in stop decisions and that the bar for searching black and Hispanic drivers was lower than that for searching white drivers.<sup>34</sup> According to the researchers' analysis, evidence shows, "that the decisions about whom to stop and, subsequently, whom to search are biased against black and Hispanic drivers."<sup>35</sup>

Not only is racial profiling unconstitutional, if an individual is stopped for reasons other than traffic safety problems law enforcement resources are not maximized to enhance safety. Existing and proposed NHTSA grant programs aimed at eliminating racial bias and improving the effectiveness of traffic safety enforcement are detailed below.

<sup>21</sup> *Id.*

<sup>22</sup> <https://www.nhtsa.gov/risky-driving>.

<sup>23</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812961>.

<sup>24</sup> <https://www.nhtsa.gov/risky-driving/distracted-driving>.

<sup>25</sup> [https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812478\\_v5\\_countermeasures-that-work-a-highway-safety-countermeasures-guide-9thedition-2017.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812478_v5_countermeasures-that-work-a-highway-safety-countermeasures-guide-9thedition-2017.pdf).

<sup>26</sup> <https://openpolicing.stanford.edu/findings/>.

<sup>27</sup> Racial Profiling and Traffic Stops, National Institute of Justice (January 9, 2013) at <https://nij.ojp.gov/topics/articles/racial-profiling-and-traffic-stops>.

<sup>28</sup> Manuel de Jesus ORTEGA-MELENDRES, et al., v. Joseph M. ARPAIO, 836 F. Supp. 2d 959 (D. Ariz. 2011).

<sup>29</sup> *Melendres v. Arpaio*, 989 F. Supp. 2d 822 (D. Ariz. 2013).

<sup>30</sup> *Id.*

<sup>31</sup> <https://www.justice.gov/opa/pr/departement-justice-files-lawsuit-arizona-against-maricopa-county-maricopa-county-sheriff-s>.

<sup>32</sup> *Melendres v. Arpaio*, 989 F. Supp. 2d 822 (D. Ariz. 2013).

<sup>33</sup> A large-scale analysis of racial disparities in police stops across the United States, *Nature, Human Behavior* (July 2020) at <https://5harad.com/papers/100M-stops.pdf>.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

#### SUMMARY OF NHTSA GRANT PROGRAMS

Congress authorizes funding for States, Tribes, and U.S. Territories to pursue traffic safety efforts. Funds are administered by NHTSA through the State and Community Highway Safety Program and the National Priority Safety Programs. These grant programs have been reauthorized and amended several times, including most recently in 2015 when Congress enacted H.R. 22, Fixing America's Surface Transportation (FAST) Act (P.L. 114–94) which authorized \$2.7 billion in funding over five years for NHTSA traffic safety grants. Last year, the House passed a surface transportation reauthorization bill, H.R. 2 the Moving Forward Act, which would reauthorize and amend NHTSA's traffic safety programs to provide increased funding of \$3.9 billion and enhance safety requirements.

##### Section 402

The State and Community Highway Safety Program (23 U.S.C. 402), commonly referred to as "Section 402," provides Federal aid to States for carrying out traffic safety initiatives designed to reduce traffic crashes and resulting deaths and injuries. Section 402 funds are apportioned via a statutory formula based on population and roadway miles.

To receive Section 402 grant funds, a State must develop and submit an annual Highway Safety Plan (HSP) to NHTSA for approval each July. The HSP establishes the State's goals, performance measures, targets, and strategies for improving highway safety for the year. A State's HSP must address broad safety objectives set by Congress, but States can distribute their Section 402 funds to a wide network of sub-grantees including local law enforcement agencies, municipalities, universities, health care organizations, and other local institutions.

According to NHTSA estimates, of the \$270.4 million authorized by Congress for Section 402 in fiscal year 2019 approximately \$125 million went to law enforcement agencies, while \$38 million went to non-governmental organizations.<sup>36</sup>

Additionally, as a condition of receiving Section 402 funds, States must participate in three high visibility law enforcement mobilization campaigns each year. These national campaigns are coordinated by the Secretary of Transportation and targeted toward either alcohol or drug-impaired driving or occupant seat belt use. High visibility enforcement campaigns combine law enforcement efforts, increased visibility, and public education to promote voluntary compliance with impaired driving and seat belt laws.

The most recent State HSPs are available at: <https://www.nhtsa.gov/highway-safety-grants-program/state-highway-safety-plans-and-annual-reports>.

##### Section 405

The National Priority Safety Program (23 U.S.C. 405), commonly referred to as "Section 405," provides tiered grants targeted at specific driving risks. While States enjoy the flexibility of Section 402 funds, Section 405 funds focus resources on specific driving behaviors, including leading causes of roadway fatalities and injuries. Section 405 grants are meant to incentivize States to adopt strong traffic safety laws (such as setting a maximum blood alcohol concentration of .08), improve performance outcomes (such as increasing seat belt usage rates), or to promote public awareness and educate drivers on the dangers of unsafe driving behaviors (such as including distracted driving questions on State driver's license examinations). Section 405 programs include:

- Occupant protection (seat belts)
- Improvements to state traffic safety information systems
- Impaired driving countermeasures
- Distracted driving
- Motorcyclist safety
- Graduated driver licensing laws
- Nonmotorized safety

State application, approval, and denial information for Section 405 grants is available to the public. Grant determinations by State for fiscal year 2021 are available here: <https://www.nhtsa.gov/highway-safety-grants-program/fy-2021-grant-funding-table>.

##### Racial profiling grant program

Section 1906 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU; P. L. 109–59) established an incentive grant program to prohibit racial profiling during traffic stops (Section 1906). The purpose of the grant program was to encourage States to enact and enforce laws that prohibit racial profiling and to maintain and allow public inspection of statistical information regarding the race and ethnicity of the driver and any passengers

<sup>36</sup>This information was provided to the Committee by NHTSA on October 30, 2020, via email.

for each motor vehicle stop in the State. Authorization for the Section 1906 program lapsed in 2012, but the program was subsequently reauthorized in the FAST Act in 2015.

The FAST Act amended Section 1906 and shifted the program's focus to support data collection. To be eligible for Section 1906 funds today, a State must maintain and make publicly available statistical information on each motor vehicle stop made by a law enforcement officer. Recipients can use their Section 1906 funds to cover the costs of collecting and analyzing traffic stop data.

The FAST Act authorized up to \$7.5 million from the Highway Trust Fund annually for the Section 1906 program and set a maximum award amount of no more than five percent of the program's total authorization for each State. Since its inception in 2006, twenty-three States have applied for and received Section 1906 grant funds:

- |               |                 |                  |
|---------------|-----------------|------------------|
| • Alaska      | • Massachusetts | • South Carolina |
| • Arizona     | • Minnesota     | • Tennessee      |
| • Colorado    | • Missouri      | • Utah           |
| • Connecticut | • Montana       | • Vermont        |
| • Florida     | • Nebraska      | • Washington     |
| • Idaho       | • New Jersey    | • West Virginia  |
| • Indiana     | • Oregon        | • Wisconsin      |
| • Kansas      | • Rhode Island  |                  |

H.R. 2, the Moving Forward Act, would reauthorize the Section 1906 program at \$7.5 million per year through FY 2025.

#### *H.R. 2 ADDITIONAL PROVISIONS*

The Moving Forward Act contained two new grant programs aimed at improving equity in traffic safety enforcement:

##### *Implicit Bias*

Section 3010 of H.R. 2 as passed by the House would establish a new discretionary grant program available to institutions of higher education for research and training in the operation or establishment of an implicit bias training program as it relates to racial profiling at traffic stops. The grant was authorized at \$10 million per year from the General Fund.

##### *Driver and Officer Education*

Section 3007 would establish a new Section 405 grant program titled "Driver and Officer Safety Education" which was adapted from H.R. 169, the Driver and Officer Safety Education Act (116th). This new grant program would incentivize States to include, as part of any driver education and safety courses provided by the State, information on best practices during traffic stops. This information includes the role of law enforcement, individuals' legal rights, as well as how and where to file a complaint against or on behalf of law enforcement. States would also be required to provide similar training for law enforcement.

#### WITNESS LIST

- Mr. Larry Sandigo, Former Chairman, Community Advisory Board (Maricopa County, AZ)
- Ms. Lorraine Martin, President & CEO, The National Safety Council
- Ms. Michelle Ramsey Hawkins, Victim/Survivor, Mothers Against Drunk Driving
- Mr. Ken Barone, Project Manager, Institute for Municipal and Regional Policy, Central Connecticut State University
- Mr. Rashawn Ray, Professor of Sociology, University of Maryland



## EXAMINING EQUITY IN TRANSPORTATION SAFETY ENFORCEMENT

WEDNESDAY, FEBRUARY 24, 2021

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT,  
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
*Washington, DC.*

The subcommittee met, pursuant to call, at 11 a.m., in room 2167 Rayburn House Office Building and via Cisco Webex, Hon. Eleanor Holmes Norton (Chair of the subcommittee) presiding.

Present in person: Ms. Norton, Mr. DeFazio, Mr. Garamendi, Mr. Lynch, Mr. Stanton, Mr. Auchincloss, Mr. Carbajal, Ms. Newman, Mr. Rodney Davis, Mr. Massie, Dr. Babin, Mr. Bost, Mr. Westerman, Mr. Balderson, Mr. Stauber, Mr. Burchett, Mr. Johnson of South Dakota, Mr. Guest, and Mr. Nehls.

Present remotely: Ms. Johnson of Texas, Mr. Sires, Ms. Brownley, Ms. Wilson of Florida, Mr. Lowenthal, Mr. DeSaulnier, Mr. Brown, Mr. García of Illinois, Mr. Delgado, Mr. Pappas, Mr. Lamb, Ms. Bourdeaux, Ms. Strickland, Mrs. Napolitano, Mr. Huffman, Ms. Davids, Ms. Williams of Georgia, Mr. Cohen, Mr. Carson, Mr. LaMalfa, Mr. Fitzpatrick, Miss González-Colón, and Mrs. Steel.

Ms. NORTON. I want to welcome everyone to today's hearing. It is good to be back in person at the House with the new session of Congress.

This morning we will be discussing the use of enforcement to promote traffic safety and the equity implications of it. Now, this is a subject we could take up, and probably would have taken up, at any time. But this is an appropriate time to take it up because this is Black History Month and where some of the issues have indeed come from.

This is the first Subcommittee on Highways and Transit hearing. I ask unanimous consent that the chair be authorized to declare a recess at any time during today's hearing. Without objection, so ordered.

I also ask unanimous consent that Members not on the subcommittee be permitted to sit with the subcommittee at today's hearing. Without objection, so ordered.

For Members participating remotely, and it looks like most Members are, let me remind you of key regulations from the House Committee on Rules. Members must be visible on video to be considered in attendance and to participate, unless experiencing connectivity issues. Members must also continue to use the video function for the remainder of the time they are attending this

meeting and hearing unless experiencing connectivity issues or other technical problems. And you know how to be in touch with us if you are experiencing technical problems.

If a Member is experiencing any connectivity issues or other technical problems, please inform committee staff as soon as possible so you can receive assistance. Just go to the chat function available for Members on the Cisco Webex platform for this purpose, or you can call the committee's main phone line, (202) 225-4472, for technical assistance by phone.

Members may not participate in more than one committee proceeding simultaneously. However, for security reasons, Members may maintain a connection to the software platform while not in attendance. And I am having to be in another committee doing precisely that at this moment.

It is the responsibility of each Member seeking recognition to unmute their microphone prior to speaking, and to keep their microphone muted when not speaking to avoid inadvertent background noise.

As the chair of today's meeting and hearing, I will make a good-faith effort to provide every Member experiencing connectivity issues an opportunity to participate fully in the hearing.

If you have any documents that you want submitted to the record, please have your staff email your document to DocumentsT&I@mail.house.gov.

Now, proceeding with my statement about why we are having this hearing, a hearing we could have at any time, but it seemed that Black History Month was a good time for the hearing. The first subcommittee hearing of the 117th Congress does show the importance of this issue and our commitment to make highways and roadways safer and free from discrimination for all users.

This subcommittee authorizes funding for States, Tribes and U.S. Territories to pursue traffic safety efforts through the State and Community Highway Safety Program, commonly referred to as "section 402." We also authorize tiered grants aimed at addressing national traffic safety priorities, commonly referred to as "section 405."

States can spend their traffic safety funds on a variety of activities, such as community education and outreach on the importance of using seatbelts or improvements to State traffic record databases. States can also spend their funds on enforcement of traffic safety laws. A large portion of traffic safety grants go to law enforcement agencies. In fiscal year 2018, States spent over \$200 million of their section 402 and section 405 funds on law enforcement.

It is estimated that more than 20 million drivers are pulled over each year, making traffic stops one of the primary interactions between the public and law enforcement, so it is crucial we understand how, and against whom, traffic safety laws are enforced. Parenthetically, I have read of increased traffic speed during this pandemic. Apparently people think you can go fast because there are not many people on the road, and as a result, there are an increasing number of accidents on the road.

Today, we will hear witnesses describe not only the impacts of traffic safety enforcement, which disproportionately affect people of color, but methods to improve trust between communities and law

enforcement to bring about safe, equitable, and just outcomes in these interactions.

We will also hear about the importance of using traffic safety resources to address problems that lead to injuries and deaths—such as impaired driving—rather than for traffic stops that are used as a sweeping tool to interact with communities. Targeting resources is necessary to ensure that we actually move the needle on traffic safety.

I am especially interested to hear testimony from Ken Barone of Central Connecticut State University. The reason I am interested is he is program manager of the State of Connecticut’s Racial Profiling Prohibition Project, which is supported by a grant program I championed to prohibit racial profiling, known as section 1906, that has been a great success. It is my understanding that other States are seeking to replicate the Connecticut model, so I very much look forward to hearing more about that program.

Thank you all for participating in today’s hearing. I look forward to learning more about what the committee can do to ensure that traffic safety enforcement is fair as well as safe for all Americans.

[Ms. Norton’s prepared statement follows:]

---

**Prepared Statement of Hon. Eleanor Holmes Norton, a Delegate in Congress from the District of Columbia, and Chair, Subcommittee on Highways and Transit**

Welcome to today’s hearing. We will be discussing the use of enforcement to promote traffic safety and the equity implications of it. This is the first Subcommittee on Highways and Transit hearing of the 117th Congress, which shows the importance of this issue and my commitment to making our highways and roadways safer and free from discrimination for all users.

This Subcommittee authorizes funding for States, Tribes and U.S. Territories to pursue traffic safety efforts through the State and Community Highway Safety Program, commonly referred to as “Section 402.” We also authorize tiered grants aimed at addressing national traffic safety priorities, commonly referred to as “Section 405.” States can spend their traffic safety funds on a variety of activities, such as community education and outreach on the importance of using seat belts or improvements to State traffic record databases. States can also spend their funds on enforcement of traffic safety laws. A large portion of State traffic safety grants go to law enforcement agencies. In fiscal year 2018, States spent over \$200 million of their Section 402 and Section 405 funds on law enforcement.

It is estimated that more than 20 million drivers are pulled over each year, making traffic stops one of the primary interactions between the public and law enforcement, so it is crucial we understand how, and against whom, traffic safety laws are enforced. Today, we will hear witnesses describe not only the impacts of traffic safety enforcement, which disproportionately affect people of color, but methods to improve trust between communities and law enforcement to bring about safe, equitable and just outcomes in these interactions.

We will also hear about the importance of using traffic safety resources to address problems that lead to injuries and deaths—such as impaired driving—rather than for traffic stops that are used as a sweeping tool to interact with communities. Targeting resources is necessary to ensure that we actually move the needle on traffic safety.

I am especially interested to hear testimony from Ken Barone of Central Connecticut State University. He is the Program Manager of the State of Connecticut’s Racial Profiling Prohibition Project, which is supported by a grant program I championed to prohibit racial profiling, known as Section 1906, that has been a great success. It is my understanding that other States are seeking to replicate the Connecticut model, so I am very much looking forward to hearing more about that program.

Thank you all for participating in today's hearing, and I look forward to learning more about what this Committee can do to ensure that traffic safety enforcement is both fair and safe for all Americans.

Ms. NORTON. I would now like to call on my good friend, our ranking member, Mr. Davis, for his opening statement.

Mr. DAVIS. Well, thank you, Madam Chair. I appreciate the opportunity. And thanks to all of our witnesses here today to discuss how the National Highway Traffic Safety Administration programs contribute to highway safety and implications related to equity.

NHTSA has an important mission: to save lives, prevent injuries, and reduce vehicle-related crashes. To help achieve this, NHTSA administers grant programs focused on deterring unsafe driver behaviors such as speeding and impaired or distracted driving, which are the primary causes of traffic crashes.

States receive the NHTSA grants and are charged with overseeing their State safety program. NHTSA has a successful record, and has significantly reduced highway fatalities since their high in 1973: 2019 traffic fatalities totaled 36,096, which represents a 34-percent reduction from the 1973 fatality level and a 2-percent reduction from the 2018 level.

Sadly, based on preliminary data, NHTSA estimates that traffic fatalities increased in the first 9 months of 2020. NHTSA and the Governors Highway Safety Association point to increases in risky driving and reductions in enforcement activities, just another deadly consequence from the COVID-19 pandemic.

NHTSA's research indicates that enforcement is one of the most effective ways to combat unsafe driving behavior. Because of this, States have decided to expend some NHTSA grant funds on law enforcement activities. I believe that eliminating enforcement activities would lead to more dangerous roads and more fatalities and injuries.

However, I also know that since the early days of this great Nation, this country has had problems with discrimination and bias based on race, ethnicity, gender, religion, and socioeconomic factors. Look no further than my own district and the site of the 1908 Springfield race riots, one of those parts of our Nation's history that is unfortunately credited with being one of the birthplaces of the NAACP.

For the past few years, I have been working to designate this site as a National Historic Monument within the National Park Service, and I will take this as an opportunity today to say I cannot wait to work with our colleague, Deb Haaland, when she is hopefully confirmed, as I would support, as the next Secretary of the United States Department of the Interior.

While Deb and I do not always agree on issues regarding energy independence, it will be great to have a friend that we can call to address issues that are important to our great Nation and righting the wrongs of things that happened in our Nation's history, and highlighting those instances where we can come together and we can actually make sure that we learn about biases that have happened decades and centuries before we are here today.

While more work needs to be done on this front, we were successful last year in getting the Trump administration to actually include this site on the African American Civil Rights Network, cre-



ated by our former colleague and my good friend, Lacy Clay. We need to acknowledge that these issues continue to exist and must learn from past mistakes so that we can address them in a holistic way.

I recognize NHTSA has no authority or jurisdiction over law enforcement or law enforcement activities. But the House Judiciary Committee has been focusing on this since 1997, when it passed H.R. 118, the Traffic Stops Statistics Study Act of 1998. This is important work.

I pledge to assist the Judiciary Committee in examining these issues, and Chair Norton, thank you for the opportunity to be here today. Thanks again to our witnesses. I yield back the balance of my time.

[Mr. Davis' prepared statement follows:]

---

**Prepared Statement of Hon. Rodney Davis, a Representative in Congress from the State of Illinois, and Ranking Member, Subcommittee on Highways and Transit**

Thank you, Chair Norton, and thank you to our witnesses for being here today to discuss how the National Highway Traffic Safety Administration programs contribute to highway safety and implications related to equity.

NHTSA has an important mission—to save lives, prevent injuries, and reduce vehicle-related crashes. To help achieve this, NHTSA administers grant programs focused on deterring unsafe driver behaviors (such as speeding, and impaired or distracted driving), which are the primary causes of traffic crashes. States receive the NHTSA grants and are charged with overseeing their state safety program.

NHTSA has had a successful record and has significantly reduced highway fatalities since their high in 1973. 2019 traffic fatalities totaled 36,096—which represents a 34 percent reduction from the 1973 fatality level, and a 2 percent reduction from the 2018 level. Sadly, based on preliminary data, NHTSA estimates that traffic fatalities increased in the first nine months of 2020.

NHTSA and the Governors Highway Safety Association point to increases in risky driving and reductions in enforcement activities—just another deadly consequence from the COVID-19 pandemic.

NHTSA's research indicates that enforcement is one of the most effective ways to combat unsafe driving behavior. Because of this, states have decided to expend some NHTSA grant funds on law enforcement activities.

I believe that eliminating enforcement activities would lead to more dangerous roads and more fatalities and injuries.

However, I also know that, since the early days of this great nation, this country has had problems with discrimination and bias based on race, ethnicity, gender, religion, and socio-economic factors. Look no further than my own district and the site of the 1908 Springfield Race Riot. For the past few years, I've been working to designate the site as a National Historic Monument within the National Park Service. While more work needs to be done on that front, we were successful last year in getting the Trump Administration to include it in the Department of Interior's African American Civil Rights Network.

We need to acknowledge that these issues continue to exist and must learn from past mistakes so that we can address them in a holistic way.

I recognize that NHTSA has no authority or jurisdiction over law enforcement or law enforcement activities. But the House Judiciary Committee has been focusing on this since 1997 when it passed H.R. 118, the Traffic Stops Statistics Study Act of 1998. This is important work, and I pledge to assist the Judiciary Committee in examining these issues.

Ms. NORTON. Thank you very much, Mr. Davis, for those opening remarks.

I would like to recognize the chairman of the full committee, Mr. DeFazio of Oregon.

Mr. DEFAZIO. Thanks, Madam Chair. This is an important hearing, and I expect we will get direction today and help from our witnesses in how we can deal with this long-term, persistent problem with traffic stops. It is clear the intent of the law is safety. Distracted driving, drunk driving, speeding—those are the principal causes of highway deaths.

And the slaughter goes on. We say, oh, we made progress because, gee, the rate, the percentage, given miles traveled, is down. Forty thousand seven hundred sixteen people lost in 1994. But still, in 2019—36,096. And we know that distracted driving is growing as a problem.

In fact, many States, including my State, now prohibit use of cell phones that are not hands-free. But there are myriad things being added to cars that are distracting, including startup companies that want to be able to display your email in a heads-up display right in front of you while you are driving. Great idea. Yeah, sure.

So we need to deal with these safety issues. And that is what this money is supposed to be spent on. But we find that a number of States, many States, have been using this for law enforcement in ways that are not meaningfully dealing with the major problems that cause traffic fatalities. In fact, they are being used in ways that really reflect the systemic racism in the United States of America, conscious or unconscious bias in terms of the stops that are being made.

Meanwhile, we are not making the progress we want to make on lowering the fatality rate. In H.R. 2, we had several provisions that were aimed at addressing disparities and increasing transparency in traffic safety enforcement. As the chair discussed, H.R. 2 reauthorized and made improvements to the section 1906 grant program to provide grants to States that were collecting data on racial profiling during traffic stops.

Twenty-three States have applied for and received these funds, including my State. In fact, we found we have extraordinary problems of disparities in our largest city, in Portland, Oregon, something that was not obvious before. We need to root this out.

H.R. 2 included an implicit bias research and training grant program to provide funds to universities for research and training of law enforcement to identify implicit bias during traffic stops. Today we will hear testimony on how both of these tools can be used to address racial disparities in traffic safety enforcement, and hopefully we will get some other ideas that we could put into H.R. 2 as we rewrite the bill as part of a major infrastructure package in this Congress.

[Mr. DeFazio's prepared statement follows:]

---

**Prepared Statement of Hon. Peter A. DeFazio, a Representative in Congress from the State of Oregon, and Chair, Committee on Transportation and Infrastructure**

Thank you, Madam Chair, for holding today's hearing to examine the equity implications of the most prevalent methods to enforce traffic safety laws.

This is a complex and important issue that we cannot ignore. With this hearing, the Committee is raising awareness of the need to improve accountability in transportation safety enforcement and taking the first steps to ensure that Federal trans-

portation safety funds elevate safety while maintaining the rights of every American.

The Highways and Transit Subcommittee authorizes hundreds of millions of Federal dollars on an annual basis to help States and communities make roads safer. We measure the success of safety programs, in large part, by how many traffic-related fatalities occur each year. As the former Chairman of this Subcommittee, I can tell you that number has been too high for too long.

Some may point to the fact that the rate of traffic fatalities per vehicle miles traveled has decreased during our lifetime and say we've done our job. I say that's unacceptable. To put it in context for you—in 1994 we lost 40,716 lives on our roadways. In 2019, we lost 36,096. I'd say we have a lot more work to do.

We still lose an average of 100 lives per day due to motor vehicle crashes. What's worse, the majority of these crashes are entirely preventable. Year after year the leading cause of car crashes is human behavior: excessive speed, drunk driving, and distraction.

For decades, enforcement of safety laws through traffic stops has been a cornerstone of traffic safety. This Committee provides over \$600 million annually for traffic safety grants to States, a portion of which is spent on law enforcement activities. These funds are intended to be spent deterring dangerous driving behaviors such as speeding or not wearing a seat belt.

However, we know that far too often individuals are stopped for reasons other than traffic safety violations. Not only is this a misuse of law enforcement resources that are meant to enhance safety, it's unconstitutional. As we will hear from witnesses today, the misuse of traffic stops—due to conscious or unconscious bias, or worse, racial profiling—has to be addressed head on.

There is no doubt that systemic racism exists in this country. It is a cancer that has been ignored and allowed to grow and divide out of control. Systemic racism has excused the criminality of the wealthy, white, and well-connected, while being overly punitive toward people of color and the marginalized. We must recognize that ensuring safety on our roadways means not only protecting people from dangerous drivers but protecting people of color from enforcement abuses as well.

Last year, this Committee advanced H.R. 2 the Moving Forward Act, which included several provisions aimed at addressing disparities and increasing transparency in traffic safety enforcement.

First, as Chair Norton discussed, H.R. 2 reauthorized and made improvements to the Section 1906 grant program to provide grants to States for collecting data on racial profiling during traffic stops. Twenty-three States have applied for and received these funds since the program's inception in 2006, including my own State of Oregon.

Further, H.R. 2 included an implicit bias research and training grant program which would provide funds to universities for research and training of law enforcement to identify implicit bias during traffic stops. Today we will hear testimony on how both of these tools can be used to address racial disparities in traffic safety enforcement.

I thank our witnesses for being here and look forward to hearing additional steps we can take to improve equity and transparency in traffic safety enforcement.

Mr. DEFAZIO. So with that, I yield back the balance of my time.

Ms. NORTON. I thank the chairman for his remarks, and I am pleased that we got so far in perhaps the only full committee bill that got through last year in the Congress ushered by our chairman.

I would like to welcome our witnesses on our panel: Mr. Larry Sandigo, who is the former chair of the Community Advisory Board of Maricopa County, Arizona; Ms. Lorraine Martin, president and CEO of the National Safety Council; Ms. Michelle Ramsey Hawkins, victim and survivor, Mothers Against Drunk Driving; Mr. Ken Barone, project manager, Institute for Municipal and Regional Policy, Central Connecticut State University; and Mr. Rashawn Ray, professor of sociology, University of Maryland.

I thank all of you for being here and look forward to your testimony. Before we begin, I would like to recognize Representative Stanton to say a few words about Mr. Sandigo. Representative Stanton.

Mr. STANTON. Thank you very much, Madam Chair. I am pleased to welcome to the subcommittee Larry Sandigo, a native Arizonan, a first-generation American, and a former member of my congressional staff. Throughout his career as an immigration attorney, Mr. Sandigo has fought to provide important legal services to individuals of all ages, including children in immigration detention in Arizona, and has been recognized by his fellow practitioners for his exceptional advocacy.

In 2017 to 2020, Mr. Sandigo served as the chairman of the Community Advisory Board that was established by the Federal court following a class action lawsuit against then-Maricopa County sheriff, Joe Arpaio, and his office for violating the constitutional rights of Latinos in Maricopa County in traffic enforcement decisions.

As chairman of the Community Advisory Board, Mr. Sandigo worked to foster an important and open dialogue between the community and the sheriff's office to improve mutual trust and respect. During his tenure, the board advanced some specific reforms and recommendations to improve how the sheriff's office interacts with the Latino community to ensure equal protection under the law in traffic enforcement.

Thank you for being here, Mr. Sandigo. I yield back.

Ms. NORTON. Thank you very much, Mr. Stanton.

I would now like to recognize Representative Brown to say a few words about Mr. Ray. Representative Brown.

Mr. BROWN. Thank you, Madam Chair, and thank you for hosting or convening this very important hearing today. It is an honor to introduce Dr. Rashawn Ray, a David M. Rubenstein Fellow in Governance Studies at the Brookings Institution.

A proud constituent of Maryland's Fourth Congressional District, Dr. Ray is also a professor of sociology at the University of Maryland, and the executive director of the Lab for Applied Social Science Research. In 2016, Dr. Ray and his colleagues at the University of Maryland conducted research focused on the Prince George's County police department to understand differences in policing of individuals depending on their race, gender, or sexual orientation.

That research is the foundation of a program developed to help police officers identify and address implicit and unconscious bias. The training program uses 3D virtual reality to immerse officers in various situations while stress levels are measured. Virtual reality training has been critical to providing officers a risk-free setting to understand their own biases and practice use of force and verbal de-escalation.

It is important to note that in his research, Dr. Ray stresses that implicit bias training is not a one-size-fits-all solution. It is because of the work that Dr. Ray has done at the University of Maryland that I introduced the Bias in Automobile Stops Act. This bill that I introduced was also included in H.R. 2, the Moving Forward Act, and it would establish a new discretionary grant program for institutions of higher education for research and training on implicit bias training programs as it relates to racial profiling at traffic stops.

I look forward to hearing Dr. Ray's testimony. I believe the committee will find it very informative and valuable in our deliberations. I look forward to continuing to work together with the committee, with Dr. Ray, and his colleagues to better address implicit bias and racial profiling in policing.

Thank you, Madam Chair. I yield back.

Ms. NORTON. Thank you, Mr. Brown.

Without objection, our witnesses' full statements will be included in the record. Since your full testimony has been made a part of the record, the subcommittee requests that you limit your oral testimony to 5 minutes.

Let's begin with Mr. Sandigo. You may proceed, sir.

**TESTIMONY OF LARRY SANDIGO, FORMER CHAIR, COMMUNITY ADVISORY BOARD FOR *MELENDRES* v. *ARPAIO*, MARICOPA COUNTY, ARIZONA; LORRAINE M. MARTIN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL SAFETY COUNCIL; MICHELLE RAMSEY HAWKINS, VICTIM, SURVIVOR, AND VOLUNTEER, MOTHERS AGAINST DRUNK DRIVING; KEN BARONE, PROJECT MANAGER, INSTITUTE FOR MUNICIPAL AND REGIONAL POLICY, CENTRAL CONNECTICUT STATE UNIVERSITY; AND RASHAWN RAY, PH.D., PROFESSOR OF SOCIOLOGY, UNIVERSITY OF MARYLAND; EXECUTIVE DIRECTOR, LAB FOR APPLIED SOCIAL SCIENCE RESEARCH, AND FELLOW, THE BROOKINGS INSTITUTION**

Mr. SANDIGO. Chair Norton, Ranking Member Davis, members of the subcommittee, thank you for inviting me to testify today in my capacity as the former chairman of the Community Advisory Board in *Melendres v. Arpaio*, a Federal case at Maricopa County, Arizona. The Community Advisory Board was created by the court after it found that the sheriff's office had engaged in racial profiling and unlawful traffic stops of Latino drivers.

Long before there was a trial or statistical data attesting to these facts, Latino families in Maricopa County knew that race, and not criminality, was the basis of traffic enforcement. If you were a Latino driver in Maricopa County, you were four to nine times more likely to be pulled over by the sheriff's office. You were also more likely to be searched, detained, or arrested. This discriminatory practice applied to Latinos across the board regardless of education, community stature, or citizenship.

Under the guise of transportation safety, Sheriff Joe Arpaio was doing what he really wanted to do, which was immigration enforcement. Traffic stops became a pretext to investigate Latinos for immigration violations. It did not matter that the considerable majority of Latinos living in Maricopa County are in fact American citizens or here lawfully.

These traffic stops evolved into a systematic and specialized traffic enforcement scheme known as saturation patrols. Sheriff's deputies would descend upon Latino neighborhoods or places where Latinos gathered, saturating the neighborhood, and would detain people based on alleged traffic concerns or equipment failures. This happened for years.

No place seemed off limits. In one case, the sheriff's deputies conducted a raid at a church that was helping Latino workers. Their

justification was that people were gathering on the side of the street and causing transportation safety concerns. At trial, this was found to be demonstrably not true, as the officer's note said that the workers had been inside the church parking lot. Imagine the effect on a community when you are hunted at a house of worship, when seeking work is dangerous, when your neighborhood has been marked.

Individual harm was compounded into community trauma. In a different case, officers boarded a schoolbus and threatened the children that they would deport their parents if they did not behave. The fear was so intense that some of the children wet themselves. That kind of pain does not just go away.

Behind every data point of a prolonged and unjustified stop is a real person with a story and a family. The named plaintiff in the case, Mr. Melendres, is a retired schoolteacher with three children. He was a passenger in a car and was taken to jail for hours. When he was finally let go, he was not cited or charged with anything. I spoke with him yesterday, and Mr. Melendres, like many others, talks about his experience in terms of shame and humiliation. His dignity had been run over.

For children, the trauma was profound. For 9-year-old Katherine, it was seeing her father arrested on TV. For 10-year-old Heidi, it was having her mother taken away. But this is not just a story of victimization. It is also a story of resilience. The community rose up, organized itself, and began to fight back. The fear of retaliation was real, but the strength of character to say "basta," or "no more," was even greater.

The lawsuit was lengthy and complex, but in sum, the community won. The court found that the sheriff's policies and procedures institutionalized the illegal consideration of race as a factor in traffic enforcement practices. A few years after the court ruling, the community won again, this time at the ballot box, and Sheriff Joe was voted out of office.

Among the many reforms that the court ordered was the creation of the Community Advisory Board, which facilitates dialogue between the community and the sheriff's office, and advises on recommendations to increase community trust. When the new sheriff took office, I was jointly selected by him and the plaintiff's representatives to help with this effort. I would like to highlight two court-ordered reforms that the community found particularly helpful.

One: The power of data, its collection, analysis, and publication, soon became apparent. After the court ordered data reports, clear patterns emerged. Not only were Latinos being treated differently, but so were other communities of color. This data allowed the community to keep track of progress and offer specific recommendations for reform. As the data became more and more of what I call "community-friendly," or easy to access and easy to understand, the community was able to provide more effective recommendations.

The second reform that resonated with the community was the use of body-worn cameras. Community members consistently asked us about their use and policies. It was a reform that was easily understood both in practice and in benefit.

Although I am no longer the chairman of the Community Advisory Board, it continues the crucial work of rebuilding trust and ensuring equitable traffic enforcement and dignity for everyone.

Thank you for your time, and I welcome your questions.

[Mr. Sandigo's prepared statement follows:]

---

**Prepared Statement of Larry Sandigo, Former Chair, Community Advisory Board for *Melendres v. Arpaio*, Maricopa County, Arizona**

Chair Norton, Ranking Member Davis, Members of the Committee, thank you for giving me the opportunity to testify today. My name is Larry Sandigo and I am here in my capacity as former chairman of the Community Advisory Board for *Melendres v. Arpaio*, a federal constitutional case arising out of Maricopa County, Arizona. I am here to bear witness to the impact racially discriminatory traffic enforcement can have on communities of color.

I am a proud first-generation American whose parents fled Central America to start a new life in the United States. Before I was even born, the system had already marked my life. When my older brother was still a baby, both of my parents became ensnared in the immigration system. My mother spent a month detained, separated from my brother.

We were not unique. For immigrant families across Maricopa County, a traffic stop was not just a traffic stop. A broken taillight could lead to detention or deportation. The truth was, though, that you didn't need a broken taillight to be pulled over because Latino families in Maricopa County lived under a regime where race, and not criminality, was the basis of traffic enforcement.

#### CASE BACKGROUND AND CONTEXT

Long before there was a federal trial or statistical data attesting to these facts, Latino families knew the Maricopa County Sheriff's Office (MCSO) under Sheriff Joe Arpaio engaged in racially discriminatory traffic enforcement. We knew that if we were pulled over, we would be treated differently because we were Latino. Under the guise of transportation safety, the Sheriff was doing what he really wanted to do, which was immigration enforcement.<sup>1</sup>

The authority to conduct traffic enforcement gave MCSO officers wide latitude to pull over vehicles to investigate the immigration status of the driver and any passengers. Because MCSO first needed a basis in state law to actually stop and detain persons, it began using the traffic safety context as a pretext to investigate Latinos.<sup>2</sup> It did not matter that the considerable majority of Latinos living in Maricopa County are in fact American citizens or are here lawfully.<sup>3</sup> If you were a Latino driver in Maricopa County, you were four to nine times more likely to be pulled over by the Sheriff's deputies.<sup>4</sup> These targeted traffic stops were scaled and were part of a systematic and specialized attempt to enforce federal immigration law.

#### SATURATION PATROLS

MCSO began conducting large-scale traffic operations, known as "saturation patrols," in Latino neighborhoods or places where Latinos congregated. MCSO even established a hotline so that people could report suspected undocumented immigrants and/or Latino workers to MCSO.<sup>5</sup> The distinction between Latino and undocumented immigrant seemed to vanish, and all of us became fair game.

In the type of saturation patrol that targeted day laborers, undercover MCSO officers would station themselves at locations where Latino day laborers gathered and identify vehicles that would pick up the workers.<sup>6</sup> To be clear, it is not illegal to be a day laborer.<sup>7</sup> Once a vehicle was identified, the undercover officers notified

<sup>1</sup> See *Melendres v. Arpaio*, 989 F. Supp. 2d 822 (D. Ariz. 2013).

<sup>2</sup> See *id.* at 860.

<sup>3</sup> See *id.* at 828.

<sup>4</sup> <https://www.justice.gov/opa/pr/departments-justice-files-lawsuit-arizona-against-maricopa-county-maricopa-county-sheriff-s>

<sup>5</sup> See *Melendres v. Arpaio*, 989 F. Supp. 2d 822, 850 (D. Ariz. 2013).

<sup>6</sup> See *id.* at 831.

<sup>7</sup> See *id.* at 850.

traffic patrol units that were waiting in the area.<sup>8</sup> The traffic patrol units located the vehicle, followed it, and then established probable cause for a traffic stop.<sup>9</sup> By and large, Latino drivers and passengers were questioned; white drivers and passengers were not.<sup>10</sup> These were not split-second safety decisions that the officers were making—these were sustained and systematic policies. Transportation safety had been effectively co-opted for race-based enforcement.

Saturation patrols created a climate of fear in Latino neighborhoods and the pretense of transportation safety was used to cover all types of illegal enforcement. In one instance, MCSO received a tip on its hotline that a church was providing assistance to Latino workers.<sup>11</sup> MCSO sent Latino undercover officers to investigate; they signed up for work and verified that Latino workers were gathering inside the church parking lot.<sup>12</sup> There was no evidence of forced labor or human smuggling, and no evidence of any traffic safety concerns.<sup>13</sup> A few days later, MCSO officers descended upon the church and began arresting people. MCSO claimed in a press release that these workers were causing transportation safety issues along the road.<sup>14</sup> This was demonstrably not true, as the undercover officers' reports detailed that people were gathering inside the church parking lot, not along the road, and no arrests or citations were made on the basis of traffic safety issues.<sup>15</sup>

#### COMMUNITY IMPACT

Imagine the terror in a community when you are hunted at a house of worship. Consider what happens when simply seeking work becomes dangerous. Each of these people had a name and a story, and a family. Each person who ended up detained or deported left a wake of devastation behind them—individual harm compounded into a family harm compounded into a community one. The loss of a parent ended in deep psychological damage, and the simultaneous loss of a breadwinner resulted in financial ruin for many families. Ten-year-old Heidi's mother was taken by MCSO and she suddenly had to grow up. She now had to get her little brother Miguel ready for kindergarten in the mornings, and she had to teach her baby brother how to drink milk, for he had been breastfeeding. In another case, Katherine was nine years old, when while playing a game, her dad suddenly appeared on live television, in handcuffs. Her mother was close behind him, also arrested in an MCSO raid. Those images sear into a young child's mind, and that kind of pain doesn't just go away. And for those Latinos who were American citizens or here lawfully, where being stopped didn't lead to immigration consequences, what remained was the humiliation and degradation, the knowledge that your skin color had determined your treatment.

There is not one right way to respond to this kind of trauma. Some families moved away. Others tried to stay under the radar whenever possible. Children wrote to the president, asking him to have mercy on their broken families. Others rose up and faced the bully directly.

#### VICTORY AT TRIAL

The Latino community began organizing itself and fighting back. Experienced civil rights leaders teamed up with young people to start collecting stories that would later serve as evidence. People started filming the interactions. It required considerable courage for these community members to go up against a machine that was intent on taking them out. The fear of retaliation was real, but the strength of character to say "basta", or "no more," was even greater. Because Sheriff was an elected position, people and community organizations also began organizing politically.<sup>16</sup> Eventually, a class action lawsuit was filed in federal court, with the judge ruling that MCSO had violated the constitutional rights of Latinos in Maricopa County by, among other things, institutionalizing the illegal systematic consideration of race in making traffic enforcement decisions.<sup>17</sup> This was a community victory. The judge ordered sweeping reforms, including the creation of the Community Advisory Board (CAB).

<sup>8</sup> See *id.* at 831.

<sup>9</sup> See *id.*

<sup>10</sup> See *id.* at 851.

<sup>11</sup> See *id.* at 852.

<sup>12</sup> See *id.*

<sup>13</sup> See *id.*

<sup>14</sup> See *id.*

<sup>15</sup> See *id.*

<sup>16</sup> Sheriff Joe Arpaio was voted out of office in 2016. The case continues under his successor.

<sup>17</sup> *Melendres v. Arpaio*, 989 F. Supp. 2d 822, 898 (D. Ariz. 2013).



## THE COMMUNITY ADVISORY BOARD

The Community Advisory Board serves to facilitate dialogue between the community and the MCSO, to provide recommendations for specific reforms that will increase community trust and ensure that reforms are being implemented. The task is herculean. One key factor about the five-member CAB is independence—the CAB reports to the Court Monitor and to the judge. Simply telling community members that the CAB does not work for the MCSO removes barriers of trust. Another element is that all CAB members must be from the affected community, elevating the role of lived experience. Two members are appointed by the ACLU, two members appointed by the Sheriff, and one member is a joint selection.

During my tenure as Chair, we held numerous community meetings, in English and Spanish, to hear directly from those most affected. Almost inherently, law enforcement and the community have different outlooks and perspectives. We grappled with the dissonance, we dialogued, we learned, we pushed MCSO to be better. We also witnessed the generational impact created by racially based enforcement. At one community meeting, community members reported that just blocks from where we had gathered, officers had boarded a school bus and threatened to deport parents if the children didn't behave. This scared the children so much that some of them wet themselves. That kind of pain and humiliation doesn't just go away. We fiercely believe, then and now, that our constitutional rights as Latinos are not to be sacrificed in the name of safety. Although the CAB members did not agree on everything, there are a couple of reforms that particularly resonated with us and the community at large, including the proper use of data and body-worn cameras.

## THE POWER OF DATA

The power of data—its collection, analysis, and publication—became apparent and the community wanted more of it. If you don't know what's happening, then it can be easy to pretend that all is well. If you do know what's happening, then it allows you to pinpoint additional areas for reform. The court ordered the collection and analysis of data to analyze racial disparities in traffic stops, including stop length, search rates, citation rates, arrest rates, and seizure rates. The judge's order also required deputies to document the reasons for stopping drivers.

One key element in data transparency is making it “community friendly”—data is more useful if it is easily understood by those feeling the impact of policies and practices on the ground. We had numerous ongoing conversations with MCSO to make the data more accessible—this ranged from where it was placed on the website to using more charts and graphics to using plain language to describe the data. Once the data become more community friendly, the community could ask harder questions, could compare the data to their experiences, and engage at a higher level.

But not everything will be easily measured by data. Harm isn't just data, and neither is dignity or respect. Behind every data point that shows a “disparate outcome” in a traffic stop is a real person, a person who is a member of a family and community. As each of those disparate data points becomes a graph and a chart, in the community it manifests itself as mistrust and fear. It is hard to measure humiliation and it takes an investment to attempt to understand whether trust has been rebuilt. Anecdotal evidence, such as community stories, continue to be important.

Because data cannot accurately measure community or generational harm, or is limited in its scope of collection and analysis, law enforcement and institutions should continue listening to community experiences and believing what they hear. Community members should not have to “prove” something for law enforcement or institutions to take their concerns seriously. Those affected will many times not have the right language or terminology, or they will frame interactions in terms of their feelings and sentiments. The more I learned about how MCSO operated, the more I was able to “translate” community experiences into terms the agency understood. Often times it took a series of conversations to build the sufficient trust for a community member to open up.

As data continues to be compiled and analyzed, the community will continue monitoring the reforms and responding to long-standing issues as well as ones that newly arise. My hope is that the data will be compiled and disseminated at a more frequent rate and that decisions will continue to be made on the basis of that data.

## BODY-WORN CAMERAS

Another key reform was the use of body-worn cameras. The community easily understood the concept, and benefit, of them. With multiple national examples of misconduct coming to light via camera recordings, the community asked for specific up-

dates on body-worn cameras—how many deputies had them, when did they have to use them, what did they actually look like, etc. And with that understanding came progressively sophisticated questions, for example, inquiries about when a deputy was allowed to mute their camera, or when they were allowed to turn it off. Body-worn cameras also helped supervisors check the data and validate it. If the data was showing an outlier for one or more measurements, then the body camera footage could be reviewed. If there was a misconduct complaint, then the footage was helpful to the investigation.

#### CONCLUSION

The story of Maricopa County has not ended. Until the MCSO reaches a sustained level of compliance, the CAB will continue to exist and provide recommendations toward rebuilding community trust and ensuring compliance with the court's orders. My hope and expectation is that the Latino community will continue to demand equal protection under the law, and that compliance, reform, and a new way of doing transportation safety will emerge.

Thank you for your time and I welcome your questions.

Mr. DEFAZIO [presiding]. I thank the gentleman.

Ms. Lorraine Martin.

Ms. MARTIN. Chairman DeFazio and Norton, Ranking Members Graves and Davis, and members of the subcommittee, thank you for inviting me here today to testify. It is truly an honor to be here.

The National Safety Council has been America's leading non-profit safety advocate for over a century. Our mission is to save lives, from the workplace to anyplace, and that includes the roads. Our roadways became more dangerous last year, even as the number of miles driven significantly decreased due to the pandemic.

Preliminary NSC estimates show that the first 11 months of last year, 38,370 Americans died on our roads. This represents an outstanding 7-percent increase over the same period just a year prior. It also represents a tragic reversal in the pre-pandemic safety trends when our roads were becoming safer for our drivers. I refer to the subcommittee in my written statement for a State-by-State breakdown of these lives lost. But suffice it to say, those 38,370 Americans are your constituents. We can and must do better.

As we work to improve safety, it is essential that we also address inequity in our Nation's transportation system because too often, safety is the privilege of a few, not a right enjoyed equitably by all. The National Safety Council encourages the subcommittee to consider four points in any future legislation, most of which we are pleased to see included in the Moving Forward Act, which did pass the House last year.

First, we need better demographic data for crashes and traffic stops, and for that data to be shared more quickly than it is now. This can be accomplished through increased funding for agencies like NHTSA.

Second, we must consider alternatives to traditional enforcement. This can include adoption of safe system approaches with self-enforcing roads, automated enforcement, and community policing, among other strategies.

Third, we believe Congress should expand section 1906 grant program to ensure racial profiling does not occur in traffic law enforcement. Fair and equitable application of roadway safety laws is the only way to keep all users safe.

And finally, community members must be involved in the development of traffic laws and safety programs, means for enforcement, and roadway design to ensure that their needs are being met.

There are several steps taken towards these goals in the reauthorization passed by the House last year. We look forward to supporting the reintroduction of this bill and working together to incorporate today's learnings.

In closing, we applaud the subcommittee for holding today's hearing. This conversation is an important step towards achieving our shared goal, which is a transportation system that prioritizes safety equitably for all. NSC pledges to work alongside you to make this vision a reality. Thank you.

[Ms. Martin's prepared statement follows:]

---

**Prepared Statement of Lorraine M. Martin, President and Chief Executive Officer, National Safety Council**

Chair DeFazio, Chair Norton, Ranking Member Graves, Ranking Member Davis and members of the Subcommittee: Thank you for inviting me to testify today on behalf of the National Safety Council (NSC) on equity in roadway safety. It is an honor to be with you today.

NSC is America's leading nonprofit safety advocate and has been for over 100 years. As a mission-based organization, we work to eliminate the leading causes of preventable death and injury, focusing our efforts on the workplace, roadway and impairment. We create a culture of safety to not only keep people safer at work, but also beyond the workplace so they can live their fullest lives. Our more than 15,000 member companies and Federal agencies represent employees at nearly 50,000 U.S. worksites.

As I address you today, NSC is preparing to release the roadway fatality estimates for calendar year 2020, an annual exercise NSC has done for decades. While this early release does not contain certain details—for example, the number of pedestrian crashes or crashes involving large trucks—we see value in publishing this preview so that decisionmakers can understand the state of safety on U.S. roadways.

In short: 2020 was a deadly year on our roads.

While much of the Nation was under stay-at-home orders during the early stages of the coronavirus pandemic and therefore not traveling in vehicles, the motor vehicle fatality rate increased by double digits in March and April 2020 over 2019 levels. It did not improve as the year progressed. Preliminary NSC estimates show a 24.2% fatality rate increase and a 7% increase in the number of deaths in the first 11 months of 2020, as compared to the same period of 2019.<sup>1</sup> The data demonstrate that fatalities remained high once most states re-opened by June. Fatalities increased by 17% in June, 14% in July, 13% in August, 13% in September, 19% in October, and 9% in November compared to 2019.<sup>2</sup> A state-by-state breakdown of these fatalities through the end of November 2020 is attached to this statement.

Of the drivers who remained on the roads during the pandemic, some engaged in riskier behaviors, such as speeding, failing to wear seat belts and driving under the influence of alcohol and drugs<sup>3</sup>—three persistent causes of death on our roadways. During the first months of the public health emergency, there was an initial reduction in seat belt use among seriously and fatally injured passengers, according to the National Highway Traffic Safety Administration (NHTSA).<sup>4</sup> According to Federal Highway Administration (FHWA) data, speeds observed in 2020 were higher

---

<sup>1</sup> <https://injuryfacts.nsc.org/motor-vehicle/overview/preliminary-monthly-estimates/>

<sup>2</sup> Ibid.

<sup>3</sup> "Update to Special Reports on Traffic Safety During the COVID-19 Public Health Emergency: Third Quarter Data," NHTSA, January 2021, accessed on 2/10/21 at: [https://handouts-live.s3.amazonaws.com/5c2eaa050d2b4e819f13a04ba27e0999?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Date=20210210T160309Z&X-Amz-SignedHeaders=host&X-Amz-Expires=86399&X-Amz-Credential=AKIAJICNIQWVMWBRIUMQ%2F20210210%2Fus-east-1%2Fs3%2Faws4\\_request&X-Amz-Signature=7b366adf02b90ab6eeef792694d6d50752686049a20d3c2218203daf1d15f2a1](https://handouts-live.s3.amazonaws.com/5c2eaa050d2b4e819f13a04ba27e0999?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Date=20210210T160309Z&X-Amz-SignedHeaders=host&X-Amz-Expires=86399&X-Amz-Credential=AKIAJICNIQWVMWBRIUMQ%2F20210210%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Signature=7b366adf02b90ab6eeef792694d6d50752686049a20d3c2218203daf1d15f2a1)

<sup>4</sup> Ibid.

than those observed in 2019 across roadway classifications.<sup>5</sup> Additionally, alcohol, cannabinoid and opioid prevalence increased among seriously and fatally injured road users during the second quarter of 2020, as compared to the months before the public health emergency.<sup>6</sup>

Clearly, we have not conquered the persistent problems of impaired driving, speeding and lack of seat belt use. NSC believes we can and must do better; we can reach zero roadway fatalities through a multifaceted approach that includes education, strong laws, multiple approaches to safety law enforcement, incorporation of new technology and system design change.

As we work to improve safety, it is critical that we also address equity in our nation's transportation system. We must pay attention not only to our methods of improving safety, but also the manner in which we address longstanding disparities that result from historical imbalances in infrastructure investment,<sup>7</sup> policy implementation and decisionmaking.<sup>8,9</sup> The House of Representatives took important steps in this direction through several provisions in the Moving Forward Act (H.R. 2), which passed the House last year. We were particularly pleased to see the following provisions:

- Grant program to prohibit racial profiling and allow for data collected during traffic stops to be publicly available.<sup>10</sup>
- Grant program to fund institutions of higher education to research racial profiling at traffic stops and develop training programs to combat implicit bias.
- NHTSA Section 405 grant program for states to include training for not only police officers, but also drivers about their rights, responsibilities and best practices during traffic stops.
- Government Accountability Office (GAO) study regarding the impact of transportation policies on people based on race, ethnicity, nationality, age, disability status and gender identity.<sup>11</sup>

#### EQUITY

Enforcement of traffic laws has been a primary strategy for improving road safety for decades—and for good reason. Thousands of lives have been saved by high-visibility enforcement campaigns such as *Click It or Ticket* and *Drive Sober or Get Pulled Over*. These safety programs continue to be important. We should also look carefully at how traffic enforcement affects individuals and communities across the country and make serious steps toward sustainable alternative safety strategies as needed.

Each year, law enforcement officers stop 20 million people for traffic violations. Traffic stops are the most common reason for contact between people and the police.<sup>12</sup> While there are proven safety benefits from these stops, data show that some of these stops are a result of racial profiling.<sup>13</sup> NSC acknowledges that communities with repeated and publicized negative interactions with law enforcement can experience personal trauma, even when these interactions end without incident, creating a lack of perceived safety.<sup>14</sup>

Research shows that people of color suffer higher rates of pedestrian fatalities and severe injuries<sup>15</sup> than their white counterparts and that, frequently, programs and policies that aim to support safety—such as those around jaywalking<sup>16</sup>—disproportionately burden communities of color. Data show that people of color, older adults and low-income communities are over-represented in pedestrian fatalities<sup>17</sup> and

<sup>5</sup> Ibid.

<sup>6</sup> Thomas, et al. (2020, October). *Drug and alcohol prevalence in seriously and fatally injured road users before and during the COVID-19 public health emergency* (Report No. DOT HS 813 018). National Highway Traffic Safety Administration. <https://rosap.nhtl.bts.gov/view/dot/50941>

<sup>7</sup> <https://www.cbpfinc.org/wp-content/uploads/2016/10/CBCFTTransportationBriefing.pdf>

<sup>8</sup> <https://journals.sagepub.com/doi/10.1177/0739456X02238441>

<sup>9</sup> <https://www.lincolnst.edu/publications/articles/2020-03-deconstruction-ahead-urban-highway-removal-changing-cities>

<sup>10</sup> See H.R. 2 (116), Sec. 3005

<sup>11</sup> See H.R. 2 (116), Sec. 40006

<sup>12</sup> Davis, E., Whyde, A. & Langton, L. *Contacts between Police and the Public, 2015* (Bureau of Justice Statistics, 2018)

<sup>13</sup> Pierson, Emma, et al. A large-scale analysis of racial disparities in police stops across the United States (Nature Human Behavior, Vol 4, July 2020).

<sup>14</sup> <https://fbaum.unc.edu/papers/OreyBaumgartnerSoroka-APSA-2017.pdf>

<sup>15</sup> <https://smartgrowthamerica.org/resources/dangerous-by-design-2014>

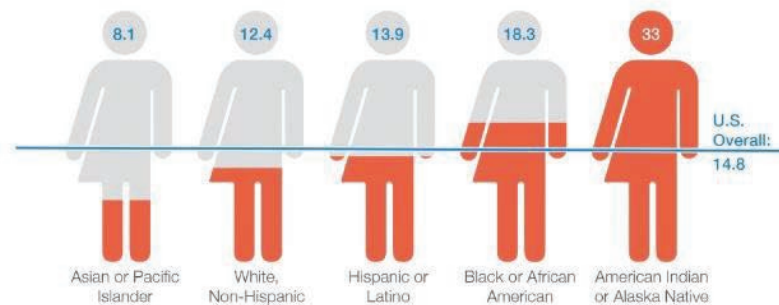
<sup>16</sup> <https://www.propublica.org/series/walking-while-black>

<sup>17</sup> <https://smartgrowthamerica.org/dangerous-by-design/>

under-represented in the investments made in transportation improvements.<sup>18 19</sup> The chart below shows that American Indian or Alaskan Native people run the highest risk of being killed while walking along the roadside; other data show that drivers are less likely to yield to Black people walking and biking.<sup>20</sup>

### People of color are disproportionately represented in fatal crashes involving people walking.

Relative pedestrian danger by race and ethnicity, 2008-2017



2019 **DANGEROUS**  
BY DESIGN



Smart Growth America  
Improving lives by improving communities



National Complete  
Streets Coalition

One reason these disparities exist is that not all streets are created equally. Roads in low-income communities lack basic safety features that are common in wealthier communities and have higher crash rates as a result.<sup>21 22</sup> This leads to so-called high-crash corridors or high-injury networks. For example, Vision Zero SF in San Francisco, CA found that 75% of the city's severe and fatal injuries occur on just 13% of the city's street miles (see graphic below).

<sup>18</sup> <https://www.cbefinc.org/wp-content/uploads/2016/10/CBCFTransportationBriefing.pdf>

<sup>19</sup> [https://www.apha.org/-/media/files/pdf/topics/environment/built\\_environment/srtsnp\\_equitytransp\\_factsheet2015.ashx](https://www.apha.org/-/media/files/pdf/topics/environment/built_environment/srtsnp_equitytransp_factsheet2015.ashx)

<sup>20</sup> [https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1009&context=psy\\_fac](https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1009&context=psy_fac)

<sup>21</sup> Morency, P., Gauvin, L., Plante, C., Fournier, M., & Morency, C. (2012). Neighborhood social inequalities in road traffic injuries: the influence of traffic volume and road design. *American journal of public health*, 102(6), 1112–1119. <https://doi.org/10.2105/AJPH.2011.300528>

<sup>22</sup> [https://www.transportation.gov/sites/dot.gov/files/docs/BeyondTraffic\\_tagged\\_508\\_final.pdf](https://www.transportation.gov/sites/dot.gov/files/docs/BeyondTraffic_tagged_508_final.pdf)

2017 VISION ZERO HIGH INJURY NETWORK (2013-2015 SFPD/ZSFG)



Data like these are available in every community that chooses to collect it. Such information can empower policymakers, city planners and engineers to direct limited resources to the areas in greatest need of safety improvements to have the biggest impact.

Another mobility-related area that Congress should address is driver license suspension. Over the past decades, non-driving-related offenses, such as unpaid court fees and child support, littering, and other infractions, have become cause for some states to suspend driver licenses. NSC believes that driving-related offenses should be the only cause for license suspension because such an action can lead to detrimental impacts on a person, including loss of access to employment opportunities and healthcare as well as overall mobility in communities where no other transit options exist.

We supported the Driving for Opportunity Act in the 116th Congress (S. 4186/H.R. 8881), which would have provided grants to states that do not suspend or revoke a driver's license for failure to pay a non-traffic-related civil or criminal fines or fees. Removing sanctions for non-traffic safety violations rightly restores the focus on safety and more accurately reflects each state's challenges related to speeding, impaired driving and other high-risk driving behaviors. We also appreciated that the bill required a GAO study on alternatives to driver's license suspension for certain kinds of unsafe driving, including models that allow drivers to continue to drive legally while pursuing other driver-improvement opportunities. We understand Representatives Scanlon and Fitzpatrick will soon reintroduce this legislation in the House; NSC looks forward to working with you to support the bill.

There is much work to be done, and we applaud the subcommittee for holding this hearing today to discuss what we can do as a Nation. As mentioned, it will take a multifaceted approach to change the systemic ways our transportation system has perpetuated bias. It will also take time. NSC pledges to work alongside you because safe mobility is a right for all Americans and, indeed, all people.

#### SAFETY

Data from the National Center for Health Statistics (NCHS) show that 39,107 people were killed in motor vehicle incidents in 2019.<sup>23</sup> We believe these crashes—which have a tremendous human toll and cost the American economy over \$463 billion a year<sup>24</sup>—are entirely preventable.

<sup>23</sup> <https://www.nhtsa.gov/press-releases/roadway-fatalities-2019-fars>

<sup>24</sup> <https://injuryfacts.nsc.org/motor-vehicle/overview/introduction/>

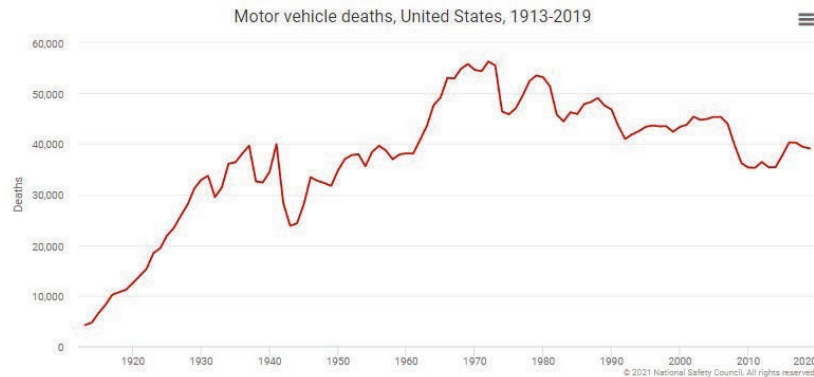


Chart shows total motor vehicle data, source NSC estimates and National Center for Health Statistics

Included below are the number of people killed in motor vehicle crashes in the Chairs' and Ranking Members' states through November 2020, as well as the year-over-year percent increase:<sup>25</sup>

Oregon .....	468 deaths (5% increase from 2019)
Washington, DC .....	36 deaths (44% increase from 2019)
Missouri .....	908 deaths (13% increase from 2019)
Illinois .....	1,010 deaths (10% increase from 2019)

These are the lives of your constituents. These mothers, fathers, sisters, brothers, aunts, uncles, friends and colleagues contributed to the communities in which they lived. Yet, our national outrage at these losses is conspicuously absent, particularly when compared to deaths in other forms of transportation, such as aviation.

The United States has consistently avoided the hard choices needed to save lives on the roadways. The reauthorization of the Fixing America's Surface Transportation (FAST) Act is an opportunity for us to make the right choices. The Moving Forward Act (H.R. 2) that passed the House of Representatives last Congress provides a framework for making changes to improve safety and equity.

The main behavioral causes of motor vehicle fatalities—lack of seat belt use, alcohol-impaired driving, and speeding—have remained the same for decades.

- 47% of Passenger vehicle occupants who die in motor vehicle crashes are unbelted
- 28% of People who die in crashes are involved in alcohol-impaired wrecks
- 26% of Motor vehicle fatalities are speed-related<sup>26</sup>

#### EDUCATION, LAWS AND ENFORCEMENT

NSC believes that the “three-legged stool” of roadway safety—education, strong laws and enforcement—will remain important as we work toward a Safe Systems approach and reach our ultimate goal of zero roadway deaths. Education programs must reflect the communities they serve and the laws must be written and applied fairly and enforced equitably.

Education includes programs, communications and campaigns to educate road users, community members, planners, and engineers to raise awareness and provide information with the goal of changing an attitude or behavior that will improve safety. An equitable approach to education must consider and should include, but is not limited to:

- Developing, executing and implementing programming with community voices included in the process, particularly those representing disadvantaged and/or highly impacted communities.
- Using images, language and media that is reflective of the community and audience.

<sup>25</sup> <https://www.fars.nhtsa.dot.gov/States/StatesCrashesAndAllVictims.aspx>

<sup>26</sup> NSC analysis of 2019 NHTSA data using the NHTSA query tool: <https://cdan.dot.gov/query>

- Working with the community to identify issues to be addressed, assessing what is needed and defining what implementation and, ultimately, success would look like.
- Working with trusted Ambassadors, spokespeople and community leaders to help execute any campaigns or programs.

NSC supports enforcement of traffic safety laws as a mechanism to support safe transportation and believes there are ways to address bias and other equity problems found within enforcement. This includes efforts to educate and promote compliance with laws and regulations related to traffic safety. An equitable approach to enforcement must consider and should include, but is not limited to:

- Working with partners and stakeholders to create a plan to ensure engagement with representatives of the community and government in the development and drafting of any law or regulation. This includes discussing effective means of enforcement within the community.
- Understanding whether and how enforcement of traffic safety laws or regulations can exacerbate existing racial, socioeconomic or accessibility issues and subsequently working with stakeholders to identify solutions.
- Assessing whether new or alternative forms of enforcement can be deployed to effectively address the issue at hand, including but not limited to: adoption of the Safe Systems approach with self-enforcing roads, automated enforcement, community policing and other strategies.
- Advocating for data collection and assessment tools that measure whether traffic safety enforcement unjustly burdens specific communities or populations and providing appropriate solutions.
- Educating and training those working on enforcement on current best practices and techniques. To this end, NSC supports evidence-based diversity, equity and inclusion training and other appropriate training for law enforcement officers. Additionally, we support the NHTSA grant program advanced by Representative Brown in H.R. 2 that would provide resources to higher education institutions to research and develop implicit bias training programs related to racial profiling at traffic stops.<sup>27</sup>

Traffic enforcement can be conducted effectively in a variety of ways and cities across the U.S. are exploring how to use new and existing techniques to improve roadway safety while reducing equity concerns, ensuring that people are safe in every sense of the word.

Automated enforcement is an evidence-based countermeasure that changes driver behavior when used to monitor for speeding and red-light enforcement. If applied equitably, it does not discriminate, and, when used with a data-driven approach to target dangerous corridors, it saves lives. NSC has worked with other safety stakeholders to create checklists<sup>28</sup> for communities installing automated enforcement that encourages transparency to ensure this countermeasure is used in the best way.

Federal restrictions on automated enforcement should be eliminated. Additionally, Federal funding should be allowed to support automated enforcement. H.R. 2 allowed for the use of Federal funds for automated enforcement in work zones; NSC urges the inclusion of this provision, as well as expanding uses for automated enforcement, in the reauthorization this Congress.

The Centers for Disease Control and Prevention provide the Motor Vehicle Prioritizing Interventions and Cost Calculator for States (MV PICCS)<sup>29</sup> to help policymakers determine the lives saved and costs of implementation of 14 different evidence-based motor vehicle laws. While many of these laws require state action, Congress should support incentives to accelerate state adoption.

### *Speeding*

Excessive speed is a problem in this country. When speeding vehicles collide with pedestrians, cyclists and other vulnerable road users (VRU), the results are deadly. In 2019, 6,205 pedestrians were killed in traffic crashes in the U.S.<sup>30</sup> Pedestrians are 1.5 times more likely than occupants of passenger vehicles to be killed in a car crash. From 2009 to 2018, the number of pedestrian fatalities increased by 53%.<sup>31</sup> As illustrated, at 20 miles per hour (mph), 9 out of 10 pedestrians would *survive*

<sup>27</sup> See H.R. 2 (116), Sec. 3010

<sup>28</sup> Available at: <https://www.iihs.org/media/1c936880-1816-44fe-ab57-df603ad15714/ZjmPNA/News/2018/072418/RLC-program-checklist.pdf>

<sup>29</sup> <https://www.cdc.gov/motorvehiclesafety/calculator/index.html>

<sup>30</sup> [https://www.cdc.gov/motorvehiclesafety/pedestrian\\_safety/index.html](https://www.cdc.gov/motorvehiclesafety/pedestrian_safety/index.html)

<sup>31</sup> <https://injuryfacts.nsc.org/motor-vehicle/road-users/pedestrians/data-details/>



being struck by a vehicle, while 9 out of 10 pedestrians would be *killed* at double that speed (at 40 mph).<sup>32</sup>

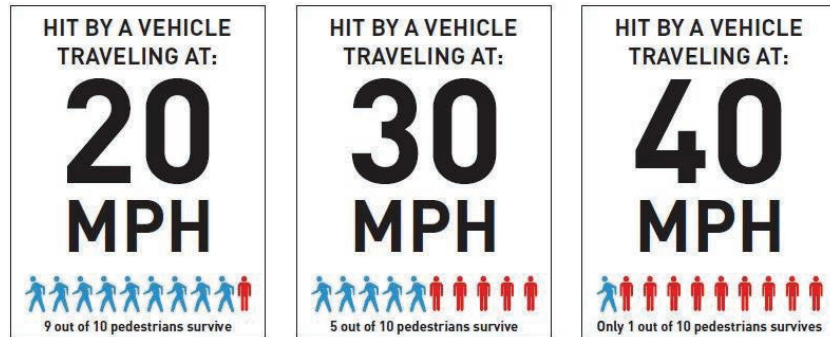


Image: Seattle Department of Transportation

The data bear out the same case for vehicle crashes involving speed. The Insurance Institute for Highway Safety (IIHS) estimated that increasing speed limits over the past 25 years have led to 37,000 additional deaths and that 26% of all crash fatalities in 2018 occurred in speed-related crashes.<sup>33</sup> IIHS collaborated with the AAA Foundation for Traffic Safety to conduct high-speed crash tests, which demonstrated that higher speeds cancel out the safety benefits of improved vehicle design.<sup>34</sup> For example, during a test crash at 40 mph, the driver's space was minimally impacted. But at 50 mph, the impact to the driver's space was much more pronounced. At 56 mph, the interior of the vehicle was significantly compromised, most likely leading to significant injuries to the driver and occupants.

NSC recommends the following actions to address speeding:

- Expand the scope of factors used to determine speeds, such as crash history and roadway design and de-emphasize the 85th percentile approach.
- Expand the use of automated enforcement.
- Allow for local control over speed limits.

#### Seat Belts

There is no question that seat belts play an important role in keeping passengers safe. Seat belts save lives and reduce serious injuries by half.<sup>35</sup> In 2017, seat belts saved almost 15,000 lives.<sup>36</sup>

Despite being one of the most successful safety inventions, too many people still choose not to use a seat belt. Regardless of other causal factors, the lack of proper occupant restraint continues to increase the severity and lethality of motor vehicle crashes. While 90.7% of American drivers and vehicle occupants used seat belts in 2019,<sup>37</sup> one in 10 continued to put their lives at unnecessary risk by opting out of seat belt use—with tragic consequences. Almost half (47%) of people killed in motor vehicle crashes in 2019 were unbelted.<sup>38</sup>

Yet, despite these compelling data, only 34 states, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands have primary enforcement of their seat belt laws<sup>39</sup>—meaning law enforcement may stop vehicles solely for belt law violations. Of the other 16 states, 15 have secondary laws, which require police to have another reason for a traffic stop; New Hampshire has no belt law for adults aged 18 and up. In 2018, 90.6% of passenger vehicle occupants were belted in states with primary laws, while only 86.4% of occupants were belted in states with secondary or no seat belt laws.<sup>40</sup> Public education and high-visibility

<sup>32</sup> Image: Seattle Department of Transportation

<sup>33</sup> <https://www.iihs.org/topics/speed>

<sup>34</sup> <https://www.iihs.org/topics/bibliography/ref/2218>

<sup>35</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812691>

<sup>36</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812691>

<sup>37</sup> Occupant Restraint Use In 2019: Results From the NOPUS Controlled Intersection Study, NHTSA, October 2020, <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812992>

<sup>38</sup> NSC analysis of 2019 NHTSA data <https://cdan.dot.gov/query>

<sup>39</sup> <https://www.iihs.org/topics/seat-belts#laws>

<sup>40</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812662>

enforcement campaigns, such as *Click It or Ticket*, have increased public awareness of the dangers of driving unrestrained.

Additionally, our seat belt messaging remains inconsistent: young children are required to ride in 5-point restraint child seats unless they are on a school bus. Most school buses operating today only include a seat belt for the driver—not for the passengers. However, since 2002, lap and shoulder belts have been made available on school buses, and some school systems do, in fact, use passenger seat belts.<sup>41</sup> Congress should act to require this important protection on all school buses.

NSC believes the lack of belts on buses delivers a mixed message that is at best confusing to children and at worst leads to lack of seat belt use down the road, especially as teen drivers and passengers. To this end, NSC supports Representative Cohen's bill, H.R. 3959 (in the 116th Congress), the School Bus Safety Act, to require new buses to have three-point belts so that children are appropriately protected each and every ride.

#### *Child Passenger Safety (CPS)*

Correct use of a child-restraint system appropriate for a child's age and size saves lives. NHTSA estimates that car seats reduce the risk of fatal injury by 71% for infants and 54% for toddlers.<sup>42</sup> Unfortunately, there are equity challenges with CPS as well, with data showing that Black children are less likely to be restrained appropriately.<sup>43</sup>

NSC supports the expansion of programs that recruit and train CPS technicians from all communities and educate on the importance of CPS for caregivers. These technicians conduct critical work by providing one-on-one instruction to parents to learn how to install and use their child's car seat properly. NSC supported Representative Titus's amendment<sup>44</sup> to H.R. 2 that expands NHTSA funding to allow states to recruit and train CPS technicians and educate parents and caregivers about proper use of CPS in low-income and underserved populations, something hope will remain in any new legislation.

#### *Impairment*

Another leading cause of roadway deaths is impairment. Every day, almost 30 people die in alcohol-impaired crashes in the United States—one every 50 minutes.<sup>45</sup> In 2018, nearly 140 million Americans aged 12 or older consumed alcohol in the past month, with 16.6 million being heavy users and 2.2 million between the ages of 12–17.<sup>46</sup> Despite these data, our culture does not prioritize safety on the roads: more than 1 in 10 drivers admit to driving when they thought they were close to or over the legal blood alcohol content (BAC) limit in the prior year.<sup>47</sup> NHTSA estimates 10,142 lives were lost in 2019 from alcohol-impaired driving motor-vehicle crashes.<sup>48</sup>

The science on alcohol impairment is clear: drivers are four times more likely to crash at .05 than if they had nothing to drink.<sup>49</sup> Most other industrialized countries have implemented a BAC of .05 or lower, a change that has been followed by a decrease in the number of fatalities from alcohol-impaired crashes. Lowering the BAC limit from .08 to .05 is a proven method to save lives on the roadways that could save as many as 1,500 American lives each year if implemented nationally.<sup>50</sup> Utah is the first state to pass a law lowering the BAC to .05. NSC supports other states' efforts to implement such legislation and hopes to see Federal legislation introduced to support this goal as well.

Drug-impaired driving is also a problem. Too many of our fellow Americans suffer from substance use disorders involving both legal and illegal drugs. Drug overdoses,

<sup>41</sup> <http://www.nasdpts.org/Documents/NASDPTS%20POSITION%20PAPER%20PASSENGER%20LAP%20SHOULDER%20BELTS%20FINAL%20FEB%202014.pdf>

<sup>42</sup> <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812719>

<sup>43</sup> Lee, G., Pope, C. N., Nwosu, A., McKenzie, L. B., & Zhu, M. (2019). Child passenger fatality: Child restraint system usage and contributing factors among the youngest passengers from 2011 to 2015. *Journal of safety research*, 70, 33–38. <https://doi.org/10.1016/j.jsr.2019.04.001>

<sup>44</sup> See: <https://transportation.house.gov/imo/media/doc/Titus%20041.pdf>

<sup>45</sup> <https://www.nhtsa.gov/risky-driving/drunk-driving>

<sup>46</sup> <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHNationalFindingsReport2018/NSDUHNationalFindingsReport2018.pdf>

<sup>47</sup> <http://tirf.us/wp-content/uploads/2018/12/RSM-TIRF-USA-2018-Alcohol-Impaired-Driving-in-the-United-States-3.pdf>

<sup>48</sup> <https://www.iii.org/fact-statistic/facts-statistics-alcohol-impaired-driving>

<sup>49</sup> Blomberg RD, Peck RC, Moskowitz H, Burns M, Fiorentino D: The Long Beach/Fort Lauderdale relative risk study; *J Safety Res* 40:285; 2009.

<sup>50</sup> Fell, J. C., and M. Scherer. 2017. Estimation of the potential effectiveness of lowering the blood alcohol concentration (BAC) limit for driving from 0.08 to 0.05 grams per deciliter in the United States. *Alcoholism, Clinical and Experimental Research*. doi: 10.1111/acer.13501.

led by opioids, are the leading cause of preventable death in the U.S.<sup>51</sup> In 2018, 1 in 5 people aged 12 or older used an illicit drug in the past year. Marijuana is the most commonly used impairing drug, followed by prescription pain relievers.<sup>52</sup> The Centers for Disease Control and Prevention report that 12 million people aged 16 and older reported driving under the influence of marijuana in the past year, and 2.3 million people aged 16 and older reported driving under the influence of illicit drugs other than marijuana.<sup>53</sup>

Substance abuse is a complex problem, and good data are needed to develop effective solutions. During the last national roadside survey conducted by NHTSA in 2013–2014, the percentages of weekend nighttime drivers who tested positive for alcohol, marijuana and illicit drugs were 8.3%, 12.6% and 15.1%, respectively.<sup>54</sup> These results are the most comprehensive, national data available on impaired driving. The national roadside survey has been a key tool to understanding impaired driving on U.S. roads. NSC implores Congress to remove barriers to conducting this survey because it is hard to stop deadly driving when policymakers do not fully understand where and how it is happening.

Another key factor to establishing impaired driving data is the creation of standards for driver drug testing. Beginning in 2007, the Alcohol Drugs and Impairment Division (ADID) of the National Safety Council has created and maintained a series of recommendations for the appropriate scope and level of sensitivity of testing for drugs in suspected drug-impaired-driving and motor-vehicle fatality investigations. The process involves surveying of 70–100 laboratories throughout the United States performing this work to determine the most frequently encountered drugs, documenting trends in positive test results and identifying the emergence of new impairing drugs in driving populations. The survey also captures information about laboratory capacity and capability as well as the available technology for routine drug testing.<sup>55</sup>

This data has been used to generate a consensus document<sup>56</sup> based on diverse input from large and small, academic, public and private laboratories, and from multiple states, containing two tiers of drugs with identified involvement in impaired driving arrests and traffic deaths. The first tier includes the most common, readily detectable drugs that account for the greatest number of impaired driving cases within the analytical capabilities of most laboratories. The second tier are emerging drugs, which are less frequently detected or require special testing equipment or technology, that should be considered in cases where testing for tier 1 drugs is negative.

These recommendations have been voluntarily adopted by more than 50 of the most active laboratories in the country and the toxicology community is working toward fuller adoption as a way to provide more uniform and comprehensive testing and more reliable epidemiological data on the severity of the drug-impaired driving problem. The fourth iteration of these recommendations is being prepared and will be published in early 2021. ADID work is being further developed into an American National Standard by the American Academy of Forensic Sciences (AAFS) Standards Board (ASB), an accredited standards-development organization serving the forensic community. This is expected to be published in 2021.<sup>57</sup>

Given the widespread use, adoption and support of these recommendations among the toxicology community, NSC recommends that compliance with these standards be incorporated into Federal legislation, with the goal of improving drug testing and impaired-driving data collection. Additionally, NSC recommends that NHTSA use these recommended standards to provide national guidance for driver testing to all toxicology labs in the U.S.

Additionally, drug recognition experts (DREs) are a key enforcement tool for many localities, especially as data show an increase in drug-impaired driving. DREs are specially trained law enforcement officers who can evaluate the signs of impairment from drugs and assist in identifying and convicting drug-impaired drivers. This is especially important because some drug tests only detect presence of the drug and not impairment. Advanced Roadside Impaired Driving Enforcement (ARIDE) training is the first step in becoming a DRE.

<sup>51</sup> <https://injuryfacts.nsc.org/home-and-community/safety-topics/drugoverdoses/data-details/>

<sup>52</sup> <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/>

NSDUH National Findings Report 2018/NSDUH National Findings Report 2018.pdf

<sup>53</sup> <https://www.cdc.gov/mmwr/volumes/68/wr/mm6850a1.htm>

<sup>54</sup> <https://www.nhtsa.gov/behavioral-research/2013-14-national-roadside-study-alcohol-and-drug-use-drivers>

<sup>55</sup> See <https://www.forensicscienceeducation.org/forensic-research/toxicology/duid/duid-survey/>

<sup>56</sup> See <https://pubmed.ncbi.nlm.nih.gov/29186455/>

<sup>57</sup> For more information see <https://www.asbstandardsboard.org/>

According to data from the International Association of Chiefs of Police, more DREs are needed to effectively address the drug-impaired driving problem. In the Chair's state of Oregon, there are 207 DREs, and 3.1 million licensed drivers. Illinois has 109 DREs and 8.5 million licensed drivers and a new marijuana decriminalization law.<sup>58</sup> NSC supports the use of NHTSA and other Federal funding to pay for DRE and ARIDE training to stop drug-impaired driving.

#### DATA

Good data are foundational to making sound decisions about safety interventions and are especially important to address equity concerns. Congress authorizes funding for "Section 1906" grants to states to encourage the collection of data to ensure racial profiling does not occur in traffic law enforcement. Fair and equitable application of roadway safety laws is the only way to keep all users safe. Mr. Barone from Connecticut will testify today about his state's successful program using these funds.

Despite the program being available to all 50 states, only six have received funding in most recent rounds. Many states have not even applied for the funding, even though some jurisdictions within them may wish to gather this data. If states will not apply for funding, Congress should explore allowing jurisdictions to apply for Section 1906 funding to support these programs. NSC believes public access to traffic enforcement data is important and supports providing funding to facilitate this data collection.

Additionally, other data tools at NHTSA should be fully evaluated for effectiveness and updated. The fatality analysis reporting system (FARS) is the national data collection tool for fatal roadway crashes, and it needs updating. Currently, race and ethnicity are only reported for fatalities. NSC recommends that race and ethnicity be reported for all drivers involved in crashes so that we can gain a better picture of the equity challenges we face on our roadways. Additionally, for a more complete picture of fatal crashes, FARS should include events on non-public roadways, such as driveways and parking lots. On a monthly basis, NHTSA should use the state data it receives to release preliminary fatality estimates. This data can provide important insights to identify trends in a more timely manner; currently, a full evaluation of FARS data usually occurs in October or November of the following year.

Traffic data improvements across states are imperative too. The longstanding reliance on local law enforcement officers is and continues to be the foundation for understanding conditions that contribute to crashes, such as roadway design, driver impairment and weather, to name a few. In addition, emergency medical services (EMS) data adds critical understanding of deaths and serious injuries from motor vehicle-related crashes. EMS includes ambulance services and other 911 medical response organizations that provide assessment and medical care on scene, as well as during transportation to the hospital.

The EMS data is a missing link to provide a more complete picture of the health outcomes of crashes. Medical evaluation of the condition of the victim and documented clinical measurements, such as vital signs and other indicators, like the Glasgow Coma Scale, can be used to calculate and approximate injury severity. EMS personnel contribute this data to the National EMS Information System (NEMSIS), which is a uniform standard for data collection and electronic record submission about patient care on-scene and during transport to the hospital. States with fully developed NEMSIS databases can upload records in near real-time, linking crash and EMS records and, ultimately, trauma registry data that is also available to most state EMS offices. This data provides a clearer picture of the health impacts and outcomes of crashes.

States regulate ambulance services, and, for nearly 50 years, state licensure has required all ambulance services that respond to 911 calls to submit EMS response and patient care data to the state. As of last week, over 42 million patient care reports from over 11,000 local EMS agencies had been voluntarily submitted to NHTSA's NEMSIS database by state EMS offices for calendar year 2020. The rapid submission of records to the national repository has allowed for weekly evaluation of conditions of interest during the COVID pandemic to include not only influenza-like illness, but also opioid overdoses and naloxone use, motor vehicle crashes and behavioral emergencies. NHTSA's Office of EMS has supported the creation and management of this national repository for NEMSIS-compliant records since the late 1990's, but state EMS offices do not receive Federal funds to aid in this data collection. NSC supports allowing full integration of EMS offices in the highway

<sup>58</sup> <https://www.theiacp.org/states-and-countries-with-dres>

safety program development and use of NHTSA grant funds to bring all states' NEMSIS databases up to date.

NHTSA also operates the Crash Reporting Sampling System (CRSS), which is a national sample of fatal and non-fatal crashes. Since the sample design does not allow for state-level estimates, users are unable to evaluate non-fatal crash trends on a state-by-state basis. Having more granularity by requiring more reporting of non-fatal crash reports would allow for greater insight into roadway safety and help identify dangerous roadways and other problems. As more states use electronic reporting to share crash report data, NSC believes a more robust CRSS is possible and more easily achievable.

Supporting states' purchasing of technology to allow near real-time crash reporting improves safety and allows for a faster response by planners, engineers and law enforcement. The House of Representatives should support the ability to use both NHTSA 405 and 402 grant funding to purchase technology and upgrade systems for faster reporting. Congress should also support and explore efforts in collecting near-miss data. This data can be used to proactively determine where to use resources to address potential safety issues.

Information from show that the Regional Transportation Planning Organization in Knoxville, TN used a combination of hospital data and survey responses to identify near misses that were then shared with planners and engineers. While these data have not been traditionally collected and will require that we think creatively, it has the potential to save lives without waiting for devastating crashes to occur.

#### NHTSA SAFETY GRANTS

The NHTSA mission is roadway safety, and one of the most effective tools to that end are the national grant programs that NHTSA operates, providing funding to states for safety programs. States outline how they will use these funds through their annual Highway Safety Plans (HSP), which are developed by the transportation leaders in the states including the Departments of Transportation, state highway safety offices, law enforcement, EMS and others. It is key that each of these offices fully participates in development of the HSP as each has a unique and shared commitment to saving lives on the roadways, whether it is to prevent the crash from occurring or to ensure an appropriate response.

Section 402 grants—named for the section of statute in which the program is located—are apportioned to states by a population and road miles-based formula, and states have flexibility on how these funds are used for behavior programs. The 405 grants—also named for the section of statute in which the program is located—are dedicated to priority programs listed below and have requirements that states must meet to qualify for funding and incentives attached for meeting these requirements.

Priority grant programs include:

- 405(b) Occupant protection grants (13% of funding).
- 405(c) Traffic Safety information systems (14.5% of funding).
- 405(d) Impaired driving, including 24–7 and ignition interlock programs (52.5% of funding).
- 405(e) Distracted driving (8.5% of funding).
- 405(f) Motorcycle safety (1.5% of funding).
- 405(g) Graduated driver licensing (GDL) (5% of funding).
- 405(h) Nonmotorized safety (5% of funding).

The Section 405 provisions may require state laws be passed to qualify for funding, and, in these cases, NHTSA must make a determination whether these laws meet the goals as outlined. When NHTSA has determined states do not qualify for funding, the decision process and reasoning has not been clear. Without clear direction from NHTSA, state legislators may not try to strengthen their laws again. NSC supports the Committee requiring greater transparency by NHTSA on its decisions when grant applications are rejected and increased engagement of NHTSA with states to provide technical assistance to correct eligibility gaps in laws. NSC supports authorizing additional resources to support this assistance.

H.R. 2 appropriately continued and increased the Section 405 funding. Of particular note, NSC and the Governors Highway Safety Association (GHSA) worked together to amend the FAST Act section 405 GDL provisions into a tiered system. We hope you will retain this proposal in any new legislation, as drivers 21 and younger have the highest fatal crash rates of any age group.<sup>59</sup>

<sup>59</sup> <https://injuryfacts.nsc.org/motor-vehicle/overview/age-of-driver/>

NSC also supported a new Section 405 grant program in H.R. 2<sup>60</sup> that would have encouraged states to include training for drivers (in addition to police officers) about their rights, responsibilities and best practices during traffic stops. This training would be completed through State department of motor vehicles (DMVs). Ensuring that all drivers understand their rights and responsibilities during traffic stops would help address some concerns about equitable enforcement.

Additionally, NSC supports the States Afforded Funding Extensions to Oppose Driving Recklessly in Vehicular Engagements (SAFE TO DRIVE) Act, H.R. 762, bipartisan legislation introduced by Representatives Krishnamoorthi, Cohen and Gallagher, as well as Senators Klobuchar and Blumenthal, to curb distracted driving. H.R. 762 would allow part of distracted driving grant funding to be used if a state enacts primary-enforced laws prohibiting texting and non-navigational use of cell phones.

#### *Workplace-Focused Safety*

NHTSA grants are important tools to help improve roadway safety through a variety of mechanisms. One successful, federally funded opportunity focuses on the employer as an influencer. The *Our Driving Concern* (ODC) Program is offered by NSC with funding from the Texas Department of Transportation (TxDOT) through Section 405 NHTSA grant funds.

Transportation incidents are the leading cause of occupational fatalities in Texas and across the country.<sup>61</sup> ODC was created to provide states with a resource targeted at employers to reduce motor vehicle related incidents on and off the job. ODC provides free training, education and resources to employers on the biggest risk areas in occupational transportation, including distracted driving, aggressive driving, speeding, passenger restraint, impaired driving and other transportation and driver safety topics. Many of these resources are also provided in Spanish.

In addition to the traditional ODC program, in 2018 the Drug Impairment Training for Texas Employers (DITTE) program launched. This course trains safety leaders to identify impairment in the workplace, explores the effects of alcohol and other drugs on driving and workplace performance and highlights costs and lifestyle impacts of driving impaired with the goal of reducing impairment on the roads both on and off the job.

The ODC program provides continuous engagement in order to improve the safety of Texas roads. This includes providing new resources and new opportunities to engage safety managers regularly with the understanding that improving roadway safety is not achieved with a “one and done” approach.

With funding from NHTSA through TxDOT, all of these trainings and resources are provided free to Texas employers. Texas employers can request a training for its employees, which can be done in person or virtually. There are many opportunities to engage online, through both live and on-demand webinars. Employers who have taken advantage of this program have seen sustained reductions in traffic incidents. For example, as part of its comprehensive employee traffic safety program, Texas Mutual committed to a stricter phone-free driving policy, shifting the culture from one of constant connectivity to one that allows employees to safely disconnect if they are behind the wheel. Since implementing ODC, Texas Mutual has seen a 61% decrease in preventable crashes.<sup>62</sup>

#### SAFE SYSTEMS

While roadway design is not a focus of this hearing, I would like to raise the role of prioritizing safety and improving infrastructure design as essential components to improve safety for all roadway users. By prioritizing safety, we commit to changing our nation's safety culture. This means we have to accept that any life lost is one too many. Once we accept that one death is too many, we will begin thinking about how to take a “Safe Systems” approach to our roadways.<sup>63</sup> Fully adopted by

<sup>60</sup> See H.R. 2 (116), Sec. 3007

<sup>61</sup> <https://injuryfacts.nsc.org/state-data/at-work/work-deaths-by-state/>

<sup>62</sup> <https://txdrivingconcern.org/wp-content/uploads/2019/04/Our-Driving-Concern-White-Paper.pdf>

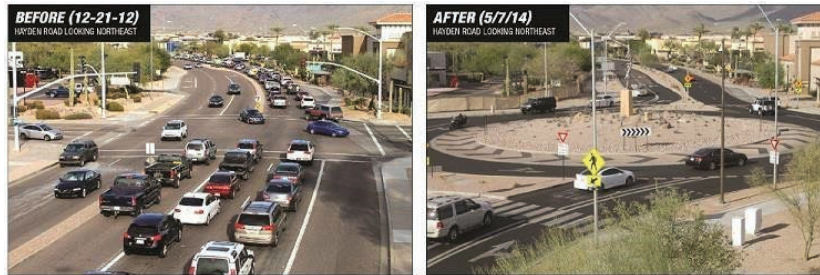
<sup>63</sup> Safe systems approach is a holistic roadway strategy that focuses on five action areas: safe roads, safe speeds, safe road use, safe vehicles and effective post-crash care. The approach requires the participation of all participants in the roadway transportation system in safety efforts, and seeks to strengthen safety in all aspects of the roadway transportation system so that if one part fails, the others will still protect people from death or serious injury. <https://www.nsc.org/getattachment/cbffc278-6c2b-4c16-ad11-959201b2755e/t-safe-systems-149>

other modes of transportation, this means building fail-safe features that anticipate human error and developing infrastructure with safety margins.

The Safe Systems approach, a central emphasis of the Road to Zero coalition, offers an alternative to dependence on law enforcement for safety and, implemented equitably, could address historic problems in safety investment. The Safe Systems approach reduces the need for law enforcement by making roads and vehicles self-enforcing. It also protects against human error, lessening the dependency on individual behavior.

H.R. 2 takes important new steps in defining the Safe Systems approach and encouraging its widespread adoption. Building a Safe System will take time; we must get started. We will need active traffic law enforcement until we build that system, so we need to take a hard look at how enforcement is conducted to address equity concerns. In the longer term, police could serve an essential role in facilitating the Safe Systems approach, using their familiarity with traffic to diagnose system problems and help designers find solutions.

With the understanding that people inevitably will make mistakes, the built environment or infrastructure can be more forgiving to eliminate fatalities. Some of these changes may include engineering greater safety into a design. For example, in the pictures below, a multi-lane intersection with a red light in Scottsdale, AZ was replaced with a roundabout. With the intersection, there are 32 potential points of failure but, with a roundabout, that is engineered down to only 8.<sup>64</sup> Speeds are decreased, and if crashes do occur, they occur at angles that are not as violent. Crosswalk length is also reduced, reducing the amount of time pedestrians are exposed to cross-traffic.



Successful infrastructure redesign can also look like the picture below from New York City. The picture on the left shows two roads merging without an area for pedestrians and the lane lines are non-existent. However, the reworked merge incorporates clearly marked lanes of travel, large sidewalks and areas for pedestrians with less exposure to vehicles.



<sup>64</sup> [https://safety.fhwa.dot.gov/intersection/innovative/roundabouts/presentations/safety\\_aspects/long.cfm](https://safety.fhwa.dot.gov/intersection/innovative/roundabouts/presentations/safety_aspects/long.cfm)



These infrastructure changes are just as important in rural areas. Rumble strips on the center line or edge of roadways can prevent the roadway departure crashes that account for 51% of roadway fatalities in the U.S.<sup>65</sup> Cable median barriers can also provide a margin of safety to redirect people to their lane of travel and high-friction surface treatments can decrease vehicle stopping distance on roadways. These are all tools we have available today.

Engineering is another lens through which to consider equity in transportation. NSC believes that an equitable approach to engineering must consider:

- Addressing existing or historic bias, disenfranchisement or overburdening of a specific group or population in any planning or proposal considerations.
- Creating contextually sensitive plans and solutions and avoiding one-size-fits-all solutions. Changes or improvements must be context-sensitive and meet the needs and desires of the individual communities they purport to serve.
- Identifying and assessing unintended consequences that might result from well-intentioned efforts.
- Engaging from the outset community members, stakeholders and users to ensure the solution is having the intended effect.
- Involving a diversity of people in testing and design to increase safety.
- Supporting the design of vehicle technology to improve safety outcomes for all roadway users.
- Supporting efforts to improve transportation and, ultimately, enhance access and mobility independence.

Infrastructure changes can be expensive, but they do not have to be. Through the Road to Zero Coalition, NSC has awarded millions in grants to groups across the country working in communities of all sizes. In the first year of grants, the National Complete Streets Coalition, worked with three communities: Lexington, KY, Orlando, FL, and South Bend, IN. Each city was provided only \$8,000 dollars from the grant for temporary infrastructure changes and each city had measurable improvements to safety, even with a small-dollar investment.

Allowing for flexibility to implement local safety measures is key to reflect local priorities. NSC encourages this Committee to explore options for cities, counties and metropolitan planning organizations to prioritize safety for their residents. This may allow for lowering speed limits, instituting automated enforcement, collecting data, accessing safety funds and other items. Local decisionmakers often have better data and information from community members about areas in severe need of transportation improvements and should be encouraged to address disparities they see within their crash data.

The toughest change is the shift to truly prioritize safety by changing safety culture on the roads. We are complacent when it comes to losing so many people each and every day on our roads; we must remember that these are not accidents, but crashes. We need strong and passionate leaders committed to doing so. I can think of none better than the members of this Committee and Subcommittee using the reauthorization as the vehicle to accomplish it. We have successfully changed safety culture in workplaces, around child passenger safety and in other areas. We can do it here, too, but only with your help. NSC looks forward to working with this Committee to develop these provisions fully.

#### ROAD TO ZERO

More states and localities have adopted “zero” language into the goals on our roadways. This language has been commonplace in other settings, like workplaces, where NSC has focused since our founding, with meaningful results. NSC also leads the Road to Zero Coalition, a diverse group of over 1,600 organizational members committed to eliminating roadway fatalities by 2050. The coalition represents transportation organizations, businesses, academia, safety advocates and others—the first time so many organizations and individuals have collaborated to put forth a plan to address fatalities on our roads. To these members and to NSC, “zero” is not just a catchphrase but an attainable and necessary goal.

The Road to Zero Coalition, in its efforts to begin addressing equity in transportation safety, hosted a series of well-received discussions in fall of 2020. These sessions aimed to provide information on the topic, engage partners on specific issues related to the intersection of equity and roadway safety and begin the Coalition’s engagement on the topic. As a convener and voice for roadway safety, the Coalition feels that it is important to use its platform to begin these conversations with its partners and their networks. There were four sessions held in total: Enforcement and Equity in Transportation Safety, The Safety Premium: Designing for Equity in

<sup>65</sup> [https://safety.fhwa.dot.gov/roadway\\_dept/](https://safety.fhwa.dot.gov/roadway_dept/)



Vehicles and Beyond, Connecting Prioritizing Safety with Transportation Equity, and Road to Zero and Transportation Equity: An Opportunity to Learn, Engage, and Act.

Last month, the Road to Zero coalition collaborated with Toward Zero Deaths, Vision Zero and Families for Safe Streets to call on President Biden and Secretary Buttigieg to set a goal of zero fatalities by 2050. Over 1,500 organizations and individuals have joined this call.<sup>66</sup> We urge the House of Representatives, and especially this Subcommittee, to echo these sentiments. We can no longer stand by while 100 people die every day on our roadways.

#### CONCLUSION

Earlier this month, NSC approved an equity in transportation policy position and a Diversity, Equity and Inclusion statement.<sup>67 68</sup> In these documents, NSC recognizes and celebrates differences that may be due to ancestry, color, national origin, race, gender identity, sex, sexual orientation, age, religion, physical or mental disability, or veteran status.

The transportation policy position states: “When achieved, transportation equity can have a profound impact on communities, enabling safe access to school, work, healthy food, parks, and more, as well as empowering community members to become stakeholders in roadway safety. Mobility independence for all road users becomes a reality.” These goals should be priorities for this discussion today and our actions going forward, and we must take time to listen, learn and reflect on how we can all be part of the solution to address disparities in transportation safety.

<sup>66</sup> <https://www.nsc.org/getmedia/95d17f6b-14e6-4737-b648-3d5992158826/rtz-biden-coalition-letter-formatted.pdf>

<sup>67</sup> <https://www.nsc.org/getattachment/757d2d64-8b77-4997-8fb4-97d004188acf/t%20equity%20in%20transportation%20165>

<sup>68</sup> <https://www.nsc.org/our-impact>

## State motor-vehicle deaths and percent changes

State	Number of Months Reported	Deaths Identical Periods			Percent Changes	
		2020	2019	2018	2019 to 2020	2018 to 2020
<i>TOTAL U.S.</i> .....	11	38,370	35,879	36,223	7%	6%
Alabama .....	11	839	834	838	1%	0%
Alaska .....	11	61	61	76	0%	-20%
Arizona .....	11	939	911	928	3%	1%
Arkansas .....	11	598	463	451	29%	33%
California .....	11	3,348	3,161	3,199	6%	5%
Colorado .....	11	558	555	560	1%	0%
Connecticut .....	11	286	242	276	18%	4%
<b>Delaware</b> .....	11	109	123	99	-11%	10%
Dist. of Columbia .....	11	36	25	27	44%	33%
Florida .....	11	3,202	3,052	2,987	5%	7%
Georgia .....	10	1,298	1,223	1,228	6%	6%
<b>Hawaii</b> .....	11	75	101	107	-26%	-30%
<b>Idaho</b> .....	11	180	208	216	-13%	-17%
Illinois .....	11	1,010	918	978	10%	3%
Indiana .....	11	814	737	773	10%	5%
<b>Iowa</b> .....	11	300	306	293	-2%	2%
<b>Kansas</b> .....	11	382	385	376	-1%	2%
Kentucky .....	11	721	680	663	6%	9%
Louisiana .....	11	750	660	699	14%	7%
<b>Maine</b> .....	11	158	160	116	-1%	36%
Maryland .....	11	536	465	451	15%	19%
Massachusetts .....	11	321	318	327	1%	-2%
Michigan .....	11	964	896	901	8%	7%
Minnesota .....	11	365	340	346	7%	5%
Mississippi .....	11	680	567	606	20%	12%
Missouri .....	11	908	805	843	13%	8%
Montana .....	11	190	173	165	10%	15%
<b>Nebraska</b> .....	11	215	229	216	-6%	0%
Nevada .....	11	280	248	309	13%	-9%
New Hampshire .....	11	115	98	132	17%	-13%
New Jersey .....	11	538	509	514	6%	5%
<b>New Mexico</b> .....	11	350	373	360	-6%	-3%
New York .....	11	865	778	809	11%	7%
North Carolina .....	11	1,514	1,353	1,366	12%	11%
North Dakota .....	11	94	91	96	3%	-2%
Ohio .....	11	1,134	1,057	984	7%	15%
Oklahoma .....	11	577	553	584	4%	-1%
Oregon .....	11	468	446	425	5%	10%
Pennsylvania .....	11	1,070	1,025	1,152	4%	-7%
Rhode Island .....	11	70	55	54	27%	30%
South Carolina .....	11	954	904	920	6%	4%
South Dakota .....	11	128	96	117	33%	9%
Tennessee .....	11	1,115	1,029	960	8%	16%
Texas .....	11	3,496	3,253	3,322	7%	5%
Utah .....	11	259	217	249	19%	4%
Vermont .....	11	61	41	57	49%	7%
Virginia .....	11	762	756	754	1%	1%
Washington .....	11	499	456	499	9%	0%
<b>West Virginia</b> .....	11	232	242	272	-4%	-15%
Wisconsin .....	11	555	511	537	9%	3%
<b>Wyoming</b> .....	11	110	141	106	-22%	4%

NOTE: Deaths are reported by state traffic authorities. ALL FIGURES ARE PRELIMINARY. To ensure proper comparisons, 2018 and 2019 figures are preliminary figures covering the same reporting period as those for 2020. The total for 2018 is from the National Center for Health Statistics.

States in bold: States with a decrease in deaths from 2019 to 2020.

Mr. DEFAZIO. Thanks, Ms. Martin.  
Ms. Michelle Ramsey Hawkins.

Ms. RAMSEY HAWKINS. Good morning. Thank you, Chairman DeFazio, Chair Norton, Ranking Member Graves, Ranking Member Davis, members of the subcommittee, for the invitation. My name is Michelle Ramsey Hawkins, and I am honored to be here on behalf of Mothers Against Drunk Driving, representing millions of victims and survivors.

I am a MADD volunteer from Baton Rouge, Louisiana. I am also a social worker at IDEA Innovation Academy, where our students are primarily from low-income communities of color. One hundred percent of our students go on to college, and as a Black woman and social worker and a mother who has suffered a traumatic loss, I appreciate being heard.

Fair and just enforcement is crucial, and it is also achievable. More than 10,000 people are killed every year in an alcohol-related traffic crash, and hundreds of thousands more are injured. MADD will not rest until drunk driving is a thing of the past.

MADD works closely with law enforcement, supporting officers' efforts to make our roads safer. Without traffic safety enforcement and the deduction of police officers, traffic fatalities and injuries increase sharply. Not one—but two—drunk drivers changed my family's lives forever. On April 10, 2016, my children, 15-year-old Kaylee, 6-year-old Khaiden, and 4-year-old Samuel, and I attended a party at my son Khaiden's godfather's house.

Before we left, one of the guests promised Samuel a ride on his motorbike the following weekend. Samuel was thrilled. As we drove along the dark highway, Khaiden and Samuel chatted away in the back seat, excited about being up past their bedtime. I was unaware that up ahead, a trash compactor fell out of the back seat of a pickup truck.

The driver had previous DUI convictions. On this night, he was driving drunk yet again. He did not even bother to stop to retrieve the trash compactor, which we later crashed into. I pulled to the side of the road, I called police, and then my parents, asking them to come pick up my kids while I waited for help. I wanted my kids to be safe.

Meanwhile, two Good Samaritans set up orange safety triangles to divert traffic. I remember the boys wrestling in the grass. I remember asking my daughter to help her brothers, instructing the boys to hold hands and stand in the grass away from the road.

One minute, my children and I were waiting. The next minute, I was lying on the ground, unable to move or see. I heard my daughter's cries, but I heard nothing from my sons. I knew they were gone. The drunk driver who plowed into the safety triangles struck a car that struck me before running off the road, slamming into my children and one of the Good Samaritans.

In the ambulance, the EMT, an old high school friend, tried to keep me from hearing that my boys had died on the scene. Kaylee learned of the terrible truth while watching the news from a hospital bed. The crash left her with back injuries and nerve damage. None of us would ever be the same.

The impact of the crash damaged my sons' bodies so badly that I never got to hold them again. Samuel's face had to be reconstructed with clay for the funeral. While Sam never got his motorbike ride, the sheriff's office sent out a whole fleet for the funeral.

Motorcycles could be seen for what seemed like miles. For that, I was grateful.

For 2 years I watched the man who killed my sons and injured three others walk free. For 2 years I went to court and faced him. Finally, a judge sentenced him to 19 years in prison. The repeat drunk driver who dropped the trash compactor and set into motion the events of that night is already out of jail.

It would be naive for my family to think that my family's race and the race of the offenders did not play a role in what happened after the crash. My children were Black boys. The offenders were White men. What if it was the other way around? Would I have been crucified in the media, accused of having my children in the street, of being a negligent mother and somehow responsible for their deaths?

As a Black mother, this is what I endured during the worst moments of my life. What if I were White and the drunk drivers were Black? Would we have had to fight so hard for so-called justice? Would I have felt the need to explain to the world that my beautiful boys were not just nameless statistics, but somebodies, that Khaiden was a champion chess player who excelled academically, and that Sam loved painting, and if you got a picture from him, you got a Picasso? Two boys who saw no race and everyone was their cousin.

Would I have felt the need to explain that their father is a staff sergeant who is currently serving in the Army in Afghanistan, or that their uncle was the first Black district attorney for the city of Clinton, Louisiana? I should not have to prove why my Black sons mattered, or how it feels to live daily with inequity.

My family had the resources to work within the justice system. We also had the support of MADD. MADD's concerned Victims Services Specialist Valerie Cox stood with us at every court appearance. I think about other families from communities of color who may not have had the resources we had. How would the system have treated them? What resources would they have had at their disposal?

MADD understands my pain, not only as a mother who lost her sons to drunk drivers, but as a mother of color who had to fight extra-hard for some justice. MADD understands that traffic safety enforcement is critical to keep drunk drivers off the road. MADD understands and commends this committee for support of highly visible enforcement. MADD also continues to support law enforcement in their efforts to deter what would be drunk drivers.

Simultaneously, MADD recognizes the need for efforts to ensure enforcement is fair and just, and it must be paramount. We know that there is racial and ethnic disparities in traffic stops, and MADD commends this committee for its efforts to address these disparities.

Fair and just enforcement is achievable but is not being used to identify problems and solutions. Implicit bias is now part of the dialogue. We all carry biases, normally or not, regardless of our race and ethnicity. We are also positioned today to eliminate drunk driving using technology.

While fair and just traffic safety enforcement remains vital, advanced drunk driving prevention technology also exists, and this

technology has no bias. MADD is grateful for the committee for including language in H.R. 2 last year that calls for this technology to be standard equipment on all new vehicles.

The promise of a day where drunk driving is——

Mr. DEFazio. Ms. Hawkins, if you could summarize.

Ms. RAMSEY HAWKINS. No problem. On behalf of drunk driving victims, on behalf of my boys, allow me to leave you with two simple messages.

First, fair and just traffic safety enforcement is essential in every community across this Nation.

Second, drunk driving prevention technology must be adapted as rapidly as possible.

And third, always remember victims and survivors. Thank you. [Ms. Ramsey Hawkins' prepared statement follows:]

---

**Prepared Statement of Michelle Ramsey Hawkins, Victim, Survivor, and Volunteer, Mothers Against Drunk Driving**

Good morning. Thank you Chair DeFazio, Chair Norton, Ranking Member Graves, Ranking Member Davis and Members of the Subcommittee for the invitation to appear before you today on an issue that is so personally important to me and my family. My name is Michelle Ramsey Hawkins. I am honored to be here on behalf of Mothers Against Drunk Driving (MADD), representing millions of victims and survivors of drunk driving crashes. I am an active MADD volunteer in Baton Rouge, Louisiana, sharing my story through public speaking engagements across the state. I am also a Social Worker at IDEA Innovation Academy with the IDEA Public School System. Our k-12 students are primarily from low-income communities of color. I am proud to say that one hundred percent of our graduating seniors go on to college. As a Black woman, a Social Worker, and as a mother who has suffered traumatic loss, I appreciate being heard and look forward to continued collaboration with the Committee and other stakeholders in the coming weeks and months. Fair and just traffic safety enforcement is crucial, and as we will hear from other witnesses today, it is also achievable.

In 2019, 10,142 people were killed in alcohol-related traffic crashes, and hundreds of thousands more were seriously injured. For forty years MADD has given a voice to millions of crash victims and their families. We have taken our collective pain and turned it into action, with the goal of no more victims. From passage of the 21 Minimum Drinking Age Law, to the national .08 BAC standard, high visibility enforcement campaigns, all-offender ignition interlock laws, and the development of advanced drunk driving prevention technologies, MADD will not rest until drunk driving is a thing of the past. We have made tremendous progress in forty years, reducing drunk driving deaths by over 52 percent. But the job is not done. According to the National Academies of Sciences, Engineering and Medicine, "Alcohol-impaired driving remains the deadliest and costliest danger on U.S. roads today." And this profound human loss is 100 percent preventable.

I would also like to convey that MADD works closely with law enforcement officers around the country, supporting enforcement efforts to ensure that our roads are safe. Without traffic safety enforcement, and the dedication of police officers, traffic fatalities and injuries would increase exponentially.

**MY STORY: KHAIDEN AND SAMUEL**

Not one—but two—drunk drivers changed my family's life forever. On April 10, 2016, my three children—15-year-old Kaylee, 6-year-old Khaiden, 4-year-old Samuel, and I—attended a housewarming party for Khaiden's godbrother. Before we left that evening, one of the guests promised Samuel a ride on his motorbike the following weekend. Samuel was thrilled; he loved motorcycles. We said goodbye, not imagining that for Samuel and Khaiden, there would be no next weekend.

As we drove home along a dark highway, Khaiden and Samuel chattered away in the backseat, excited to be up past their bedtime. Their father, a U.S. soldier, called on a flight home; he'd be back in time to pick them up from school the next day.

The events of that night were already beginning to unfold. Up ahead, a trash compactor fell from the back of a pickup. The driver, who had two previous DUI convictions, was driving drunk that night, too. He didn't bother to stop.

A minute later, we crashed into the trash compactor. I pulled to the side of the road and got my children out of the car. I called law enforcement and then my parents, asking them to pick up the kids while I waited for the tow truck. I wanted them to be safe. Meanwhile, two good Samaritans, a father and his teenage son who'd heard the initial crash from their home, set up orange safety triangles to divert traffic. I remember digging in my wallet for my roadside assistance information. I remember the boys wrestling in the grass, and Samuel complaining that Khaiden was blowing spit bubbles at him. I asked my daughter to help with her brothers, instructing the boys to hold hands in the grass, away from the road.

I have no memory of the second drunk driver—a man with a blood alcohol content nearly three times the legal limit—crashing through the safety triangles in his SUV. When I came to, I was lying on the ground. I couldn't move or see. But I heard my daughter's cries—and understood the absence of my sons'. They were already gone.

My daughter, Kaylee, was 10 by the time my second child, Khaiden, came along. Kaylee was the first person to hold him, a fact she never forgot, and she adjusted quickly to life with a baby in the house. When Samuel—my bonus baby—arrived two years later, it was another story. Samuel was just a few days old when I went into the kitchen to fix a bottle. When I came back, I couldn't find him. Kaylee and Khaiden had set him out on the patio, car seat and all. I explained to them that they had to take care of one another. From then on, they did. Khaiden and Samuel called each other "brother." Kaylee and the boy's other sister Haleigh were "Sister." In the mornings, I sometimes found Samuel tucked at the bottom of one of his sisters' beds. They were incredibly close, while Kaylee, Khaiden and Sam shared a love of basketball, Haleigh simply loved hanging out with her brothers. Khaiden and Samuel never met a stranger. It didn't matter who you were—you were their cousin. They were blessed with real-life superheroes: their dad, a U.S. soldier, and my father, a veteran, who taught them how to fish and took them on road trips.

Both boys attended the Baton Rouge Foreign Language Academic Immersion program. After just three months, Khaiden spoke fluent Spanish. Unbeknownst to me, my 6-year-old joined the chess club in his afterschool program. We spent many weekends traveling to chess tournaments; I was so proud when Khaiden placed second in his age group in the entire state of Louisiana.

Samuel was my gentleman who always tucked in his shirt and wore a belt. He said his glasses made him look cool like his Dad. He loved painting and drawing. If you got a picture from Sam, you got a Picasso. He always had a wad of bubblegum in his mouth. He was the smallest and also the feistiast, trying to make himself louder and bigger. Samuel wanted to play football—tackle football, not flag football. I told him he had to wait until he turned 5. I didn't want anyone hitting my baby.

Authorities would reconstruct the events of that night: The drunk driver who plowed through the safety triangles struck a car that then struck me before running off the road and slamming into my 3 children and the teenage neighbor. In the ambulance, the EMT, an old high school friend, tried to keep me from hearing that my boys had died on the scene. I told him I already knew. Kaylee learned the terrible truth from the TV news that played in her hospital room. The crash had left her with back injuries and nerve damage in her left foot. The emotional injuries went deeper; she never played basketball again. She couldn't. Not without her brothers. The teenager who'd come outside to help after the crash endured more than 20 surgeries. He couldn't get his driver's license at age 16 because he had fragments of his skull behind his eyelids. To this day, he is not the same. None of us are.

My boys weren't nameless boys or statistics. They were Khaiden and Samuel. They were my sons. They had just started their lives. They had everything to live for. They were going to be somebody. Two drunk drivers robbed them of their futures and robbed me of the closure I needed as a mother. The impact of the crash caused so much trauma that I never got the chance to hold them or touch them. Samuel's face had to be reconstructed with clay; at the funeral, I could only look at their caskets from a distance.

While Sam never got that ride on a motorbike, the sheriff's department sent out a whole fleet for his funeral—motorcycles for what seemed like miles. They escorted us everywhere we needed to go, and I was so grateful for that, and for the outpouring of love for my boys. A month after the funeral, I did what I had long promised my children—and what doctors told me I couldn't do because of the severity of my injuries. I walked across the stage to accept my master's degree in social work, and I did it in heels. There was a walker waiting on the other side, but I

did it. I'd missed a lot of games and recitals because I was in school. I owed it to Kaylee, Khaiden and Sam to see it through.

For two years, the man who killed my sons and injured three others walked free. For two years, I went to court and faced him and his family. Finally, on July 26, 2018, a judge sentenced him to 19 years in prison. The drunk driver who dropped the trash compactor and set into motion the events of that night is already out of jail.

#### RACIAL BIAS: AFTER THE CRASH

It would be naïve to think that my family's race, and the race of the offenders, did not play a role in what happened after the crash.

My children were Black boys, the offenders White men. What if it was the other way around? If I were white and my boys were white, and the drunk drivers were Black, would I have been crucified in the media—accused of having my children in the street that night, of being a negligent mother and somehow responsible for their deaths? As a black mother, that's what I endured during the worst moments of my life. The loss and the judgement felt too much to bear.

If I were white and my boys were white, and the drunk drivers were Black, would we have had to fight so hard for the so-called justice we received?

Would I have felt the need to explain to the world that my beautiful boys were somebodies? That I needed to prove their worth? To explain that Khaiden and Samuel's father, currently serving in Afghanistan, is a Staff Sergeant in the U.S. Army? That Khaiden and Samuel's Uncle was the first black district attorney for the City of Clinton, Louisiana? That another Uncle is a Senior Chief in the U.S. Navy? That their grandfather served in Vietnam? My black boys mattered. When my boys were taken from me, in such a senseless manner, it felt like they didn't matter. And it felt like I had to prove that they did. I understand what it feels like to live daily with inequities.

My family had resources to help us work within the justice system. We also had the support of Mothers Against Drunk Driving. MADD Victims Services Specialist Valerie Cox stood with us at every court appearance.

I think about other families—from communities of color—who may not have the resources we have. How would the system have treated them? What resources would they have had at their disposal?

MADD understands my pain, both as a mother who lost her sons to drunk driving, and as a mother of color who had to fight extra hard for some semblance of justice.

#### HIGH VISIBILITY ENFORCEMENT: THE MOST PROVEN COUNTERMEASURE TO COMBAT DRUNK DRIVING

MADD also understands that traffic safety enforcement is critical to keeping drunk drivers off the roads. And MADD is committed to fair and just enforcement. MADD commends this Committee for its leadership in creating and authorizing the National Highway Traffic Safety Administration's (NHTSA's) high visibility enforcement program. The program combines law enforcement efforts with efforts to publicize the enforcement as a way to promote awareness and compliance with the law. These efforts are proven to reduce crashes, death and injuries on our roads. Sobriety checkpoints, saturation patrols and other high visibility enforcement efforts should include increased publicity and warnings to the public. Warning the public about upcoming enforcement waves may seem counterintuitive, but in fact the purpose of the high visibility enforcement effort is to stop people from engaging in risky behavior in the first place. This is known as the "general deterrence" effect, and it is one of the most effective countermeasures we have in the fight against drunk driving. The more obvious enforcement efforts are to the public, the less likely drivers are to take illegal risks.

High visibility enforcement is designed to be conducted in locations that are chosen based on data, sometimes identifying high-volume and high-crash traffic areas. High-volume traffic areas assist with the visibility of enforcement efforts, with more people seeing these efforts—and, as a result, drivers are more likely to voluntarily comply with traffic safety laws. Identifying "hot spots," or high-crash rate locations, is a tried and true approach to target enforcement resources.

High visibility enforcement campaigns, such as "Drive Sober or Get Pulled Over" and "You Drink. You Drive. You Lose." are conducted at the national, state and local level, and are proven to be very effective when combined with enforcement efforts on the ground. A significant portion of Section 402 funding is used to fund enforcement countermeasures, including activities to support national high visibility

enforcement mobilizations. These efforts are key to saving lives and preventing injuries on our nation's roads.

#### FAIR AND JUST TRAFFIC SAFETY ENFORCEMENT IS ACHIEVABLE

MADD will continue to support law enforcement in their efforts to deter would-be drunk drivers. Officers are on the front lines of traffic safety every single day. Victims and survivors have the utmost respect for those who put their lives on the line so that others are protected. And, tragically, the leading cause of death for police officers killed in the line of duty is traffic crashes.

Simultaneously, MADD recognizes the need for reform. Efforts to ensure that enforcement is fair and just must be paramount. We know from witness testimony today that there are racial and ethnic disparities in traffic stops. We know that Black and Hispanic drivers are disproportionately stopped and disproportionately searched compared to white drivers. We know that Black and Hispanic drivers are stopped at a greater rate for equipment violations and administrative offenses compared to white drivers. But there is little evidence to support a claim that Black and Hispanic drivers more frequently commit these offenses. And what is very compelling to me, a Black woman who has lost her two Black sons in a violent, preventable traffic crash due to illegal, deadly driving: racial and ethnic disparities are significantly decreased when traffic enforcement is primarily focused on hazardous driving behaviors.

We must do what we can to help foster a higher level of trust between police agencies and the communities they serve. The stakes are too important—the cost is too high.

The good news? Fair and just enforcement is achievable. Our national conversation surrounding racial inequity is bringing more stakeholders to the table. Research and hard data are now being used to identify what the problems are, where problems exist, and what solutions can be employed to do better. Best practices are being identified and implemented. Organizations and individuals are recognizing that we all must be a part of the solution. Implicit bias is now a part of the dialogue, understanding perceptions we have as individuals, and how we respond to the world around us based on our own experiences. We all carry bias, whether we are aware of it or not, regardless of our race and ethnicity. I would like to commend the groundbreaking work of hearing witnesses Dr. Rashawn Ray and Ken Barone. Thank you both for helping to frame these discussions, based on research and real-world experience.

MADD commends this Committee for its leadership to address disparities in enforcement practices. The Moving Forward Act (H.R. 2) that passed the House in the last Congress contained numerous important provisions to address these issues, including:

1. Section 3005: Grant program to prohibit racial profiling. These funds go to research and implementation of research-based programs focused on implicit bias training as it relates to racial profiling at traffic stops. The program encourages institutions of higher education to work collaboratively with State and local police departments. MADD is very encouraged by results of the work Ken Barone has led in Connecticut, with Central Connecticut State University working closely with law enforcement agencies across the state. MADD encourages the Committee to provide additional resources to implement best practices across the country.
2. Section 3010: Implicit bias research and training grants. MADD supports efforts to fund research in this area, such as the work currently conducted by Dr. Rashawn Ray at the University of Maryland. Dr. Ray's research is now incorporated into training police recruits, using interactive programs to help bring about better interactions between citizens and police officers.
3. Section 3007: National priority safety programs. Under this section, a new component is added to the established Section 405 program called "Driver and Officer Safety Education." This program encourages States to include training for police officers and also drivers (through DMVs) on rights, responsibilities, and best practices during traffic stops.

MADD fully supports the above provisions, and is encouraged by the Committee's commitment to address equity in traffic safety enforcement. We look forward to working with Members of the Subcommittee to advance these efforts. Traffic crash victims and survivors have a vested interest in ensuring traffic enforcement is fair and just—because it's the right thing to do, and so that essential traffic enforcement can continue. A social worker, like myself, is not able to ride as a passenger in every drunk driver's vehicle. A social worker was not able to talk reason into the man who killed my boys, and injured me, my daughter, and the good Samaritans who helped



us. Some drivers make illegal decisions that put others at grave risk on the roads, and law enforcement officers are needed on the front lines, to serve and protect the public.

#### ADVANCED DRUNK DRIVING PREVENTION TECHNOLOGY IS HERE ... NOW

We are better positioned today than ever before to eliminate risk posed by drunk drivers. While traffic safety enforcement is the most effective way to currently mitigate risk, advanced drunk driving prevention technology exists now and will one day solve this public health problem.

What if we could reduce the need for traffic safety enforcement? What if drunk drivers were no longer able to get behind the wheel and operate a vehicle as though it were a weapon? These questions are no longer based on fantasy, but are now firmly rooted in reality. And advanced drunk driving prevention technology does not notice a person's race or ethnicity. Impairment prevention technology has no implicit bias.

MADD is grateful to the Committee for inclusion of language modeled after the Honoring Abbas Family Legacy to Terminate Drunk Driving (HALT) Act in the House passed H.R. 2. Representative Debbie Dingell led the way by proposing the groundbreaking legislation after a devastating wrong-way drunk driving crash killed a family of five—Isaam and Rima Abbas and their young children Ali, Isabella and Giselle. House Energy and Commerce Chair Frank Pallone and Consumer Protection Subcommittee Chair Jan Schakowsky helped lead efforts to ensure passage, along with leadership of this Committee. The legislation calls for a process that will lead to drunk driving prevention technology as standard equipment in new vehicles.

Advanced drunk driving prevention technology is a game-changer for MADD, giving victims and survivors a tangible, realistic expectation for a future without drunk driving. This lifesaving technology must be made standard equipment in all vehicles through adoption of a motor vehicle safety standard.

A recent study from the Insurance Institute for Highway Safety estimates that more than 9,400 lives—about one-fourth of the current traffic crash death total—will be saved each year when all vehicles have advanced drunk driving prevention systems.

MADD submitted comments to a NHTSA Request for Information (RFI) on advanced drunk driving prevention technology. We found more than 180 technologies that are currently deployed, in development, or soon to be on the market that NHTSA must consider as part of a rulemaking process. There are two types of passive automotive technologies that exist to prevent drunk driving—driver monitoring and alcohol detection. These are passive technologies that automatically gauge driver impairment, as opposed to ignition interlocks that are installed in drunk driving offenders' vehicles that require the motorist to actively blow into the device. Driver monitoring can detect signs of distracted, impaired or fatigued driving. Alcohol detection uses sensors to determine whether a driver is under the influence of alcohol, and then prevent the vehicle from moving.

In March 2019, Volvo announced technology that monitors for alcohol or distracted driving impairment would be a feature on new vehicles in the early 2020s. The Volvo system uses "in-car cameras and other sensors that monitor the driver and all the car to intervene if a clearly intoxicated or distracted driver does not respond to warning signals and is risking an accident involving serious injury or death." The Volvo systems detect impaired driving using the same technology that more than 100 other driver monitoring systems use. These systems determine a driver's state using one or a combination of the following features: optical or infrared camera to look at the face or eyes of the driver; seat to monitor body movement, breathing, heart rate or brain waves; and steering wheel sensors. A video of Volvo's website describes the technology, and various actions taken by the vehicle when impairment is detected.

*Volvo Video:* <https://www.media.volvocars.com/global/en-gb/media/videos/250162/in-car-cameras-and-intervention-against-intoxication-distraction-animation1>

*Volvo Press Release:* <https://www.media.volvocars.com/global/en-gb/media/pressreleases/250015/volvo-cars-to-deploy-in-car-cameras-and-intervention-against-intoxication-distraction>

Additionally, Nissan had drunk driving prevention concept cars a decade ago.

*Nissan Drunk Driving Prevention Concept Car:* <https://www.nissan-global.com/EN/TECHNOLOGY/OVERVIEW/dpcc.html>

*Toyota announced a drunk driving prevention system in 2007 with hopes of having it in cars by the end of 2009.* <https://www.nbcnews.com/id/wbna16449687>

## THE ROAD AHEAD: DIALOGUE, COLLABORATION, GROWTH, ACTION

The promise of a day without drunk driving is exciting for crash victims and survivors. Our loved ones, however, are gone, and they aren't coming back. MADD victims and survivors speak out and push for change so that other families don't have to endure what we endure.

People ask me how I do it. How do you go on living after losing the children who should have buried you? How do you stand up and talk about it, over and over again? I went to therapy every single day. Without it, I would have lost my mind. I cried a lot. I prayed a lot. I got tired of people giving me a sad face, or rubbing my shoulders and my back every time I was around them. I got tired of feeling sad and depressed all the time. I would watch my daughter. "Mom," she would say, "you're not going to be sad today." At first, I didn't understand it. Now I do. I want to be a survivor. Not a victim. I want to fight back. For Khaiden and Samuel. If not their mother, then who?

On behalf of drunk driving victims and survivors, on behalf of my boys: traffic safety enforcement is essential to ensuring safety on our roads, AND enforcement must be fair and just. Identifying best practices and providing resources to encourage growth and change in every community across the country, will serve us all.

I thank the Committee for inviting me to speak on behalf of crash victims and survivors. It is my hope that by sharing my story I can help to prevent other senseless tragedies from happening to other families. I stand with MADD and the Committee in full support of continued research and effective program development to end racial inequities in enforcement. These crucial efforts, while challenging for all involved, encourage essential dialogue and collaboration—with the promise and hope of healing for communities of color and law enforcement, and us all.

Mr. DEFAZIO. Thank you for that testimony. I know it is not easy to talk about such a tragedy, so thank you.

Mr. Ken Barone.

Mr. BARONE. Good morning. Chair DeFazio, Chair Norton, Ranking Member Davis, and members of the subcommittee, thank you for the opportunity to appear before you today. My name is Ken Barone, and I am the manager of the State of Connecticut's Racial Profiling Prohibition Project.

My testimony today will focus on the benefits that the section 1906 racial profiling prohibition grant program has had on Connecticut's ability to address both equity and safety in traffic enforcement, and the value of expanding the funding to allow for even greater progress in eliminating racial profiling in traffic enforcement while also working to improve the safety of our roadways.

Traffic stops are the most common encounter between law enforcement and the public. Understanding these routine interactions requires States to move beyond anecdotal conversations and to develop robust data collection and analysis programs.

Connecticut first enacted an antiracial profiling law in 1999. However, until resources were provided through the section 1906 program, Connecticut struggled to properly implement the law. With the support of the section 1906 grant program, we have developed a state-of-the-art data collection and analysis system. To date, we have collected over 91 million data points from more than 3½ million traffic stops.

Beyond simply collecting data, we have also conducted meaningful statewide and departmental analysis over the last 6 years. Our analysis is designed to identify both statewide trends and those departments with the most significant racial and ethnic disparities. Rather than treating the analysis as evidence of wrongdoing, we utilize the analysis as an early intervention system. This approach allows us to focus our limited resources on those departments that have the most significant racial and ethnic disparities.

Departmental interventions are designed to be a collaboration between researchers, the law enforcement agency, and community stakeholders. These departmental interventions have produced important, actionable findings that departments have used to enact positive change. Since 2015, Connecticut's statewide analysis has consistently identified some of the trends.

Black and Hispanic drivers are disproportionately stopped and disproportionately searched when compared to White drivers.

Police are significantly less likely to find contraband resulting from a search involving a Black or Hispanic driver.

Black and Hispanic drivers are stopped at a greater rate for equipment violations and other administrative offenses when compared to White drivers. However, there is little evidence to support a claim that Black and Hispanic drivers more frequently commit these offenses.

Racial and ethnic disparities are significantly decreased when traffic enforcement is primarily focused on hazardous driving behaviors.

Although the primary motivation behind our work has been to identify and address racial and ethnic disparities in traffic enforcement, an added benefit to the program has been the accumulation of a rich data set that can inform researchers, practitioners, and transportation and law enforcement administrators about the enforcement techniques that are most effective in improving roadway safety.

I want to be very clear. Our program has consistently shown that it is possible to eliminate racial and ethnic disparities in traffic enforcement and improve roadway safety at the same time.

The section 1906 program has been critical to our success in Connecticut. It has allowed our State to dive headfirst into an emotional and often traumatic conversation and create meaningful and measurable reform by positively addressing both equity and safety in traffic enforcement, all with stakeholders at the helm. We are proud that in recent years, our approach has been replicated in at least three other States, including California, Oregon, and Rhode Island.

I would be remiss if I did not take this opportunity to mention the important role that State departments of transportation play in administering this grant program. We are grateful for the continued support of the Connecticut Department of Transportation.

In closing, I ask that you strongly consider the reauthorization and expansion of the section 1906 program so that Connecticut and other States can continue to make progress on racial equity in traffic enforcement.

Thank you for your time, and I look forward to your questions.  
[Mr. Barone's prepared statement follows:]

---

**Prepared Statement of Ken Barone, Project Manager, Institute for  
Municipal and Regional Policy, Central Connecticut State University**

Chair DeFazio, Chair Norton, Ranking Member Graves, Ranking Member Davis, and members of the Subcommittee, thank you for the opportunity to appear before you today as the committee examines equity in transportation safety and considers reauthorization of the section 1906 Racial Profiling Prohibition grants. My name is Ken Barone, and I am the manager of the State of Connecticut's Racial Profiling

Prohibition Project. My testimony today will focus on the benefits that the section 1906 program has had on Connecticut's ability to address both equity and safety in traffic enforcement, its efficacy for use in other jurisdictions, and the value of expanding the funding to allow for even greater progress in eliminating racial profiling in traffic enforcement nationwide.

Disparities in the criminal justice system, particularly police enforcement, have been a major source of political protest and social unrest in the United States. Motor vehicle enforcement is a common focus of these conversations since it is the public's most frequent interaction with law enforcement. There is broad consensus in the value of addressing these concerns, however there is often difficulty in moving concerns to achievable and measurable action. Understanding these interactions between law enforcement and the public requires states to move beyond anecdotal conversations and develop robust data collection and analysis programs. When married with dialogues centered around the data, real and measured reform is possible.

Since 2006, at least 24 states have received funding through the section 1906 program to develop data collection and analysis systems. Connecticut's novel approach to collecting and analyzing traffic stop data for evidence of discrimination is widely considered to be a national model and has only been possible because of federal funds available to our state through the section 1906 program and a strong partnership with the Connecticut Department of Transportation. In recent years, Connecticut's model has been replicated in at least three other states including California, Oregon, and Rhode Island. Our goal is to eliminate racial profiling, use data to improve roadway safety, and increase trust between law enforcement and the communities they serve. In light on the continued social unrest in the United States, the section 1906 program is more vital than ever. Reauthorization and expansion of the program will allow states like Connecticut to build upon our success and continue to work towards a more fair and just society.

#### THE CONNECTICUT MODEL

Connecticut first enacted an anti-racial profiling law in 1999. After developing a system for paper-based reporting, the state invested in two data analysis reports produced under the purview of the Office of the Chief State's Attorney. Shortly after the publication of the second report, the state moved oversight to the legislative African American Affairs Commission. No reports were subsequently produced, and as of 2011 only 27 of the approximately 92 law enforcement agencies were still collecting and submitting the required data.

A well-publicized 2011 case of police profiling in East Haven, CT renewed public and legislative attention to the efficacy of the state's existing racial profiling law. Legislators responded by strengthening the state law, which had largely been ignored since a few years after its initial passage in 1999. The new law allowed for the creation of a robust system for evaluating and addressing concerns about racial profiling. Another important element was the statutory establishment of a 20-member advisory board to help with the development, implementation, and oversight of the new law. Advisory board members consist of advocates, law enforcement administrators, academics, policymakers, and community members. The board has continually worked to create an efficient data collection system, centralized traffic stop repository, and a rigorous analytical process. In the midst of these changes, the Connecticut Department of Transportation applied for 1906 funds to bring the necessary resources to fully implement the new law.

The first phase of the process involved development of an electronic data collection system. The task was to design an electronic system that was both not overly burdensome to police and yet capable of providing critical information to the public on an annual basis. Connecticut was able to develop a system to collect universal traffic stop data that could be submitted electronically on a monthly basis. The system currently captures 26 data points from Connecticut's roughly 600,000 annual traffic stops. To date, the system contains approximately 91 million data points from 3.5 million traffic stops. Electronically collecting meaningful data from more than 100 police agencies in a timely manner was a major first step towards achieving our goals.

Once the data collection system was established, we quickly turned our attention to the second phase of the process, which involved the development of a thoughtful analytical system. Unique to Connecticut's approach is the application of multiple statistical tests for ascertaining the presence of racial and ethnic disparities. The idea behind using more than one test to identify discrimination was an insight made by members of the advisory board after observing that most other states typically choose a single method for evaluating disparities. The board observed that this choice often divided stakeholders when one group did not agree with the results or

assumptions of a particular test, therefor sowing doubt as to whether racial disparities exist or not. Such an approach to analyzing traffic stop records only served to further fracture the distrust between law enforcement and communities of color. The use of multiple tests in Connecticut is designed to serve as a screening tool by which stakeholders could then focus attention to those departments displaying the greatest level of disparity. Colloquially, we refer to this as the “preponderance of the evidence” approach since disparities are identified across a number of different dimensions including the decision to stop a motorist, the outcome of the stop, and the decision to search a motorist/vehicle.

The next stage in the *Connecticut model* is also unique to statewide traffic stop data analysis and requires a detailed exploration of jurisdiction specific information to better understand an identified department’s disparities. In my experience, municipal police agencies are limited in their capacity to comprehensively analyze the factors that contribute to their racial and ethnic disparities. Researchers that simply point out racial and ethnic disparities can unintentionally contribute to a further divide between law enforcement and the communities they serve. Rather than treating our statistical analysis as evidence of wrongdoing, researchers and policymakers utilized the annual report as an early warning system that begins, rather than ends, an ongoing and data-driven conversation. Departments identified in the annual report partner with researchers for a comprehensive follow-up intervention, which involves a deeper dive into their data in an effort to identify specific policies and enforcement activities driving the disparities. This phase of the process includes a quantitative and qualitative analysis at the department and individual officer level. In Connecticut, the goal is to collaborate with police and the advocacy community to develop practical solutions.

As the final phase of the analytical process, stakeholders and community members are invited into the process and encouraged to engage in a dialogue with policing administrators and local elected officials. In cases when there has been a particular stakeholder or advocacy group with concerns about an identified department, they have been invited to participate in the process at an earlier stage. Following the conclusion of the in-depth analysis, researchers and the advisory board will host a community forum in the identified communities. The forums include a presentation of the research team’s findings, a discussion with policing administrators and a period for public comment/question. Upon request, the research team has also made presentations to city or town councils. By the time the research team hosts these community forums, we have already identified the factors believed to be contributing to the disparity. These factors typically fall into two categories: 1) specific enforcement patterns or 2) (infrequently) individualized actions by subsets of officers. During the forum, the research team outlines an independent set of recommendations for reforms and allows the public and stakeholders to provide input as to their efficacy. Ultimately, the decision to enact the recommended reforms is left to the community and policing administrators. However, the value added of this approach is that it allows for a transparent data-driven dialogue between stakeholders and policing administrators about how specific enforcement policies contribute to observed patterns of disparity.

The *Connecticut model* provides a streamlined framework for identifying disparities and then using this information to hold data-driven conversation between stakeholders in an effort to enact interventions to mitigate future disparities. All or part of the *Connecticut model* has recently been adopted by the States of Rhode Island, Oregon, and California. Continued federal funding would not only allow Connecticut to maintain its state-of-the-art program, but also to expand upon its success. Additionally, as has been shown, the *Connecticut model* provides a proven framework for developing a streamlined state-level system to mitigate disparities in policing that can be easily replicated in other states.

#### HIGHLIGHTS FROM CONNECTICUT’S ANNUAL ANALYSIS

Since 2015, Connecticut has produced five annual reports which analyze racial disparities in traffic stops submitted by 107 law enforcement agencies. The analysis has consistently identified these trends in the data:

1. There are statistically significant racial and ethnic disparities in traffic stops.
2. Black and Hispanic drivers are disproportionately stopped and disproportionately searched compared to White drivers.
3. Police are significantly less likely to find contraband resulting from a search involving a Black or Hispanic driver.
4. Black and Hispanic drivers are stopped at a greater rate for equipment violations and administrative offenses compared to White drivers. However, there

is little evidence to support a claim that Black and Hispanic drivers more frequently commit these offenses.

5. Racial and ethnic disparities are significantly decreased when traffic enforcement is primarily focused on hazardous driving behaviors, such as speed related, distracted driving, stop sign, traffic control signal, or other types of moving violations.

Although the primary motivation behind our work has been to identify and address racial and ethnic disparities in traffic enforcement, an added benefit to the program has been the accumulation of a rich dataset that can inform researchers, practitioners, and transportation and law enforcement administrators about the enforcement techniques that are most effective in improving roadway safety. Our research has been able to substantially contribute to the ongoing conversation about traffic safety in Connecticut.

In Connecticut we have found that racial and ethnic disparities in traffic enforcement have largely been driven by police enforcement of lower level equipment and administrative violations. As part of the Connecticut law, police are required to report the reason for stopping a motor vehicle. There are hundreds of individual motor vehicle statutes but stops can generally be aggregated into one of three broad categories: (1) safety related, (2) equipment related, or (3) administrative related offenses. As previously noted, our annual traffic stop assessment has consistently found that racial and ethnic disparities are significantly decreased when law enforcement primarily focuses on safety-related violations. We also know that safety-related motor vehicle violations are significantly more likely to be a contributing factor in motor vehicle crashes. On the other hand, racial and ethnic disparities are greatest when law enforcement focuses more on equipment and administrative offenses. Although legitimate reasons may exist for the enforcement of these violations, we cannot ignore that on balance they disproportionately impact Black and Hispanic drivers. Additionally, when police spend their time pulling over drivers for relatively minor traffic violations, they are committing resources that then cannot be used for other activities that may have a greater impact on public safety.

There is a commonly held belief that disparities in equipment and administrative offenses occur more frequently in the Black and Hispanic community due to socioeconomic factors rather than police enforcement decisions. Although socioeconomic factors may play a role in such violations, there is evidence that police officers are more likely to enforce equipment and administrative violations in areas with higher Black and Hispanic populations or where Black and Hispanic drivers are more likely to be traveling. This is taken in combination with the fact that police presence is also greater in these areas due to resource allocation decisions that follow factors such as crime, calls for service and accidents. In Connecticut, when testing this theory, we have found that when police enforce these laws in areas with greater White populations, the racial composition of violators reflects that.

While Connecticut data shows that Black and Hispanic drivers are proportionally stopped at a higher rate for all types of traffic violations than White drivers, the disparity is most significant for equipment and administrative offenses. Within their respective demographic groups, Black drivers are almost twice as likely and Hispanic drivers are 1.5 times more likely to be stopped for an equipment-related violation compared to White drivers. The disparity is slightly less pronounced for administrative offenses. Within their respective demographic groups, Black drivers are 1.2 times and Hispanic drivers are 1.3 times more likely to be stopped for an administrative offense compared to White drivers.

#### EXAMPLES OF SUCCESSFUL INTERVENTIONS

Continuous statewide analysis is important for understanding trends; equally, if not more, significant is recognizing how targeted departmental interventions drive those trends. Since 2015, Connecticut has conducted interventions for 28 municipal police departments identified as having a disparity in the annual report. The in-depth analysis allows researchers to focus on the unique attributes of specific subsection of a community where enforcement is targeted. Some of the factors identified in Connecticut as contributing to potential disparities for specific towns include locations of accidents, high calls for service, DUI enforcement, crime rates, and retail and entertainment. Researchers also conduct a more comprehensive post-stop data review to examine disparities in stop outcomes, searches and hit rates, and reasons for stops. The final piece of the in-depth analysis moves beyond examining disparities at the department level and examines individual officer information. The officer-level results are only shared with law enforcement administrators who review the findings in conjunction with additional officer information not available to research-

ers. These interventions have produced important actionable findings that departments have used to enact positive change.

The first example I would like to share is about disparities found in a predominantly White suburban community outside of the city of New Haven, CT, with a police department of approximately 106 officers. In that particular department, Police enforcement was largely focused in the one neighborhood with a high percentage of Black residents. The data showed that this neighborhood had more calls for service and a higher crime rate relative to the rest of the community. The department's crime reduction strategy involved an elevated level of traffic enforcement in this area in an attempt to address these issues. Officers would primarily stop cars for low-level equipment and administrative offenses and request consent to search the vehicle. In particular, 22% of drivers were stopped for equipment violations and 18% for administrative offenses relative to 12% and 9% statewide, respectively. Notably, this strategy was not implemented elsewhere in the community. Based on the traffic stop data, illegal contraband was rarely found in these searches (less than 7% of the time) and drivers were frequently given warnings rather than tickets for the motivating infractions. In addition, there was little empirical evidence that these enforcement measures were having any effect on the areas elevated crime rate.

Researchers and community stakeholders engaged the police administration in dialogue about alternative crime reduction tools. Following these conversations, the Chief enacted the following policies: (1) traffic enforcement should be narrowly focused on hazardous driving behaviors, (2) officers should cease consent searches, and (3) officers should implement alternative methods for interacting with the community. A year after implementing these changes, equipment and administrative offenses fell considerably (6% and 9%, respectively) as did consent searches. The department reported that these changes coincided with a falling crime rate (5%) and decreased rate of accidents (10%). Police searches were more successful at finding contraband, that is, a 63-percentage point increase, and the department ceased to be identified as having a disparity in subsequent annual analyses.

Another success story comes from a small urban police department that had been attempting to address a statewide increase in unregistered motor vehicles. The department began deploying license plate reader technology to identify and target drivers of such vehicles. During the follow-up intervention, researchers identified this specific enforcement activity as being the largest contributor to the department's observed disparity. The underlying belief from police administrators was that poverty was the true culprit of this disparity due to increases in the state's registration fees. Thus, most of this enforcement activity was concentrated in lowest income neighborhoods where residents were largely Hispanic. Researchers used the department's geographically mapped traffic stop data to demonstrate that this enforcement activity was the driver of their disparity and that registration violations were actually being found at similar rates in many other areas of their community. As a result of the intervention, the department employed a more broad-based and equitable deployment of their license plate readers that helped to mitigate the disparity in the proceeding years. This department's high search rate and observed disparities in stop outcomes were significantly reduced and this department was not identified in any subsequent reports following the intervention.

A third success story comes from a suburban community located outside of Connecticut's capital city of Hartford. During the intervention, researchers identified that defective lighting violations were a primary driver of the department's disparity. In fact, nearly 40% of the traffic stops in this department were for a defective lighting violation. In discussions with the department, police administrators attributed the lighting violations to a roving DUI patrol largely enacted based on concerns about college students from a local university. Researchers presented these administrators with data suggesting only one of the 1,608 traffic stops made for defective lighting violations that year had actually resulted in the driver being charged with a DUI. In fact, drivers had been significantly more likely to be charged with a DUI offense when stopped for speeding violations. As a result of the intervention, the department altered their DUI strategy and reduced the use of defective lighting violations as a reason to stop cars, specifically to look for drunk drivers. The department went from 1,608 defective lighting stops during the study period to 671 in the year following the intervention. This new approach resulted in both more effective enforcement and mitigated the disparity in subsequent years. Since the disparity was largely driven by a disproportionate number of minorities stopped for defective lighting, the observed disparity was significantly reduced, and they were not identified in subsequent reports following the intervention.

These examples highlight the benefits of Connecticut's hands-on approach for identifying the underlying drivers of disparities and finding strategies to help mitigate it. Engaging stakeholders throughout the intervention process has allowed ra-

cial and ethnic minority advocates, law enforcement, academics, and government officials to come together in ways unimaginable even a decade ago. What previously had been a war of anecdotes has been transformed into a constructive data-driven conversation about policy. Stakeholders and policing administrators now regularly attend panel conversations around the state and speak in similar tones about the statewide effort. The vitriol is gone from most conversations and has been replaced by a focus on what more can be done.

#### CONCLUSION

The section 1906 program has been critical to the success of the *Connecticut model*. It has allowed our state to dive headfirst into an emotional, and often traumatic, conversation and create meaningful and measurable reform by positively addressing both equity and safety in traffic enforcement—all with the stakeholders at the helm. We are eager to share our experience in Connecticut with other states looking to best utilize future program funds and stand prepared to assist any other state looking to develop similar programs.

We urge the reauthorization of the section 1906 program so that Connecticut can continue to make progress on racial equity in traffic enforcement while also improving traffic safety. I would also ask that you consider providing additional baseline resources to both ensure that any new state considering adoption of this program can meet today's challenges and to allow current states utilizing the program to advance the progress made in recent years. Additionally, I ask that you consider expanding the use of program funds beyond data collection and analysis efforts—much in the spirit of the original 1906 funding parameters. States would benefit from the ability to provide relevant police training, community engagement/outreach initiatives, and the collection and analysis of other state specific data, such as pedestrian stops, bicycle stops, and community satisfaction surveys.

Thank you for the opportunity to share our experience and I look forward to working with the committee as it considers the reauthorization of this program.

Ms. NORTON [presiding]. Thank you very much, Mr. Barone. In fact, your program is of special interest to me since my bill established the section 1906 program.

I want to call on the last witness, Dr. Rashawn Ray, professor of sociology, University of Maryland.

Mr. RAY. Chair Norton, Chair DeFazio, Ranking Member Davis, distinguished members of the committee, in particular Representative Brown, thank you for the opportunity. We have heard a lot about the disparities that exist in traffic stops. I want to talk about our virtual reality program to improve equity and objectivity in policing at traffic stops.

As you see here, there is an image of an officer in our lab.  
[Slides shown.]

Mr. RAY. We put officers in a virtual reality environment where they encounter the sort of scenarios that they do every single day, traffic stops, but other types of programs.

We have four major objectives: to improve decisionmaking and reduce bias; evaluate how stress, sleep, and travel affect judgment and behavior—these are factors that are oftentimes underemphasized, but our research in the lab for applied social science research at the University of Maryland suggests that they matter quite a bit; provide tools and metrics to improve interpersonal dynamics and cross-cultural awareness, and then offer recommendations from our research that can reduce conflict and misunderstanding.

We have developed over 100 virtual reality scenarios: suspicious person scenes, domestic scenes, robbery scenes. But I am going to double down on focusing on pullover scenes in traffic stops for the purposes of this hearing.

Officers encounter people that vary by race, by gender, by language. We went out with law enforcement in the State of Mary-



land; you can see here officers showing us where they stand. You see a police car in the back as if he pulled someone over. You see that there is traffic going by on a busy street—really, mimicking the sort of scenarios that they go through.

When officers go into the VR and they pull someone over, they are given a series of prompts. Those prompts ask them, do they want to run a driver's license? If they say yes, they see a series of additional prompts talking about, do you want to dismiss the driver with a warning? Do you want to give a citation? Do you want to investigate further?

When they investigate further, they are able to look into the vehicle. They find some marijuana residue. And then they are asked what they want to do again. You can see on the left that they encounter individuals of different racial backgrounds. We do the same thing for gender and language as well. They wear the same thing. You see the officer at the bottom going through it.

And we collect a host of information, not only their behavior and their decisionmaking, but also the participants' physiological outcomes, which I will say something about in a second; their attitudes; their demographics; the virtual reality actor demographics; and then the setting. Are they in a rural area? In an urban area? Is it busy, or is it not?

As you see here, we are taking officers through the virtual reality. You see a series of metrics that I will talk about in a second that allow us to get beyond just the way we might think about the way that police officers behave, and actually explain why they are behaving the way they do.

So we can collect information on weapon reaction time, so the way that officers are actually responding in the moment. We put little sensors on replica weapons. We outfit them to specific departments. We know when officers pull their weapon, when they shoot the trigger, when they put it back in their holster. You can see the data blown up on the right side.

We can also track their eyes. We know exactly where they are looking at. Anyone who is a law enforcement officer knows that when they approach a vehicle, they are looking in the vehicle. They are looking behind it. There is research suggesting that they are more likely to look in the vehicle for certain people, less likely for others. This becomes an important training tool.

We can also examine a police officer's heart rate. We put heart rate monitors on them. We can examine their heart rate, as you see in this example. Officer CP starts out interacting with someone. Heart rate is on the Y axis on the left. The seconds is on the bottom. As he starts talking, his heart rate increases because what the person is doing in this particular scenario has led to that increase. And that could also impact the officer's judgment.

We are able to compare some of these outcomes. So for example, we could compare less experienced officers to more experienced officers. More experienced officers tend to be more stable, less stress, similar heart rates throughout, helping them to make better decisions.

We can also examine their stress through speech. We put their audio through a voice machine, and that tells us how stressed officers might be.

And then finally, we give officers a police report to fill out. But look. Instead of me just telling you this, I think one of the best things to do is to show you. What you are going to see is a brief demo showing you what it looks like when officers go through the virtual reality program. You will see an officer first going through what it looks like in our lab, and then also something that is extremely innovative, which is how we move beyond just working with officers in the lab to help local police departments end up being able to interact with people in person in a setting, say, with high school students in a school.

So as we are pulling this up, part of what you will see is the officer reacting. You will not be able to hear it; I will narrate it through. But you will be able to see the officer reacting in that moment with the goggles on. This is an officer from the Midwest.

[Video shown.]

Mr. RAY. You can see that he is talking to someone, that he is telling someone to move. He is giving directions. So they are fully immersed in a 360-degree environment. But as I said, one of the biggest innovations as well—it is not just our ability to take the data, but to work with local communities to improve police/community relationships.

We go into schools, work with local police departments. You see this officer here with a traffic stop. We bring up an officer and students up at the same exact time. They go through the same scenario. You see the officer interacting with the person on the screen. You see he is having a conversation with her.

You will see in a second additional prompts pop up. And part of what it is doing is asking the same questions that I just showed you on the graph about what decisions that he wants to make. Does he want to run the license? He runs the license; it comes back suspended. He is asked to do additional things. What this officer chose to do was to allow someone to come and get the driver and also get the vehicle if they have a valid driver's license. Other officers might choose to make different decisions.

We then break students up in groups with police officers and community members to have conversations about what is going on. One of the most powerful things was a student who said that he had never had a normal conversation with a police officer before that day.

Our program is not only built to go across the country, which we have done in some regards, but it also helps to improve police/community relations.

So thank you for your time, and I look forward to the questions.

[Mr. Ray's prepared statement follows:]

---

**Prepared Statement of Rashawn Ray, Ph.D., Professor of Sociology, University of Maryland; Executive Director, Lab for Applied Social Science Research, and Fellow, The Brookings Institution**

Chair Norton and distinguished members of the Subcommittee on Highways and Transit of the House Committee on Transportation and Infrastructure, thank you for inviting me to testify in "Examining Equity in Transportation Safety Enforcement" regarding the "Bias in Automobile Stops Act of 2021."

I am also a Professor of Sociology at the University of Maryland and the Executive Director of the Lab for Applied Social Science Research (LASSR). I am also a

David M. Rubenstein Fellow at The Brookings Institution. LASSR is a research center that regularly partners with government agencies, organizations, and corporations to conduct objective research evaluations and develop innovative research products such as our virtual reality program with law enforcement and incarcerated people.

I believe this legislation introduced by Congressman Anthony Brown to establish an implicit bias program in vitality important. My written testimony centers on how the virtual reality program we developed in collaboration with law enforcement and computer scientists can reduce bias, train officers better, and help them and the civilians they encounter get home to their loved ones safely.

#### RESEARCH ON BIAS AND USE OF FORCE IN POLICING

Research shows disparities in traffic stops and police use of force. In a comprehensive analysis of 20 states, Pierson and colleagues (2017) found Black and Latino drivers were more likely to be ticketed, searched, and arrested than White drivers. Research and policy makers have pursued ways to explain and reduce gaps, with many pointing to implicit bias as a key driver in these disparities. I believe that our virtual reality program is the answer and is prime to be the present and future of police training.

#### VIRTUAL REALITY PROGRAM FOR LAW ENFORCEMENT

Since 2017, LASSR has developed over 100 virtual reality scenarios, trained and worked with over 2,000 police officers in large, midsize, and small departments across the country to develop and implement our virtual reality decision-making program for law enforcement. We also have hosted over 100 government officials including the Department of Homeland Security and had hundreds of students participate in our simulations to further improve its optimization. We have received funding from private corporations to further enhance our technological capabilities.



Merging social science with computer science and housed in the College of Behavioral and Social Sciences (BSOS) and the Department of Sociology at the University of Maryland, this program provides a platform to evaluate decision-making in an immersive virtual reality environment. We created tactical and social simulations that are used for law enforcement training.

Major objectives include:

- Improving objective decision making and reduce bias
- Evaluating how stress, sleep, and travel affect judgment and behavior
- Providing tools and metrics to improve interpersonal dynamics and cross-cultural awareness
- Offering recommendations for future training to reduce conflict and misunderstanding

Logistically, we have a virtual reality lab in the Department of Sociology with ample space for officers to move around and interact with the program. For depart-

ments outside of the DC region, we fly groups of officers to our lab or take our mobile program to departments. We train training officers on how to use the program, provide logistical and software support, and conduct statistical analysis and report back outcomes to the department. We also have set costs for the software, equipment, and training based on the needs of law enforcement agencies.



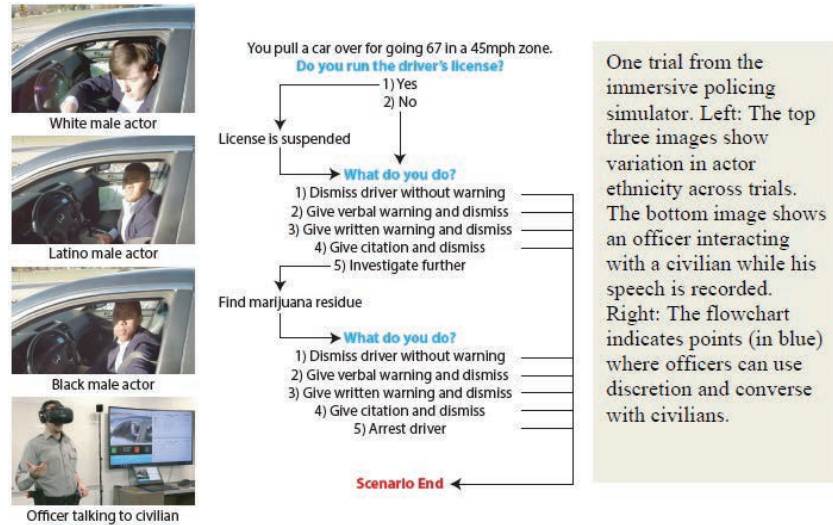
Collectively, our statistical tools allow us to integrate the following factors to determine what most influences decision-making behavior while in the field:

- Participants' physiological outcomes
- Participants' attitudes
- Participants' demographics
- Virtual reality actor demographics
- Environment and setting of virtual reality scenarios

#### VIRTUAL REALITY SIMULATIONS

We developed virtual reality simulations that focus on traffic stops, suspicious person scenarios, domestic incidents, and robberies. Our virtual reality program immerses police officers with a 360-degree first-person view of several interactive policing scenarios. One of our primary scenarios entails officers interacting with drivers during routine traffic stops.

Officers are instructed to talk to the drivers and make decisions about whether or not to charge them with infractions. Scenarios evolve based on officers' choices. For example, during the traffic stop, officers can choose to run information about a civilian's license. If the license is suspended, the civilian will react to this information and discuss it with the officer. In some of the scenarios, there is drug paraphernalia in the car. In this regard, officers have the ability to search the vehicle and even arrest the driver.



One unique aspect of our virtual reality program is the ability to vary the setting and driver. Our scenarios occur in urban, suburban, and rural settings to better capture the experiences that police officers have depending on geography. The virtual reality program also varies the race and gender of the driver. Some of the scenarios also have accents (French, West African, or Spanish) with the same driver acting with an accent and acting without an accent. These variations allow for a research analysis that can determine how the setting and/or driver demographics may matter during traffic stops.

## 90 VIRTUAL REALITY SCENARIOS TOTAL

### Pull-over Scenarios

Gender-Men and Women

Race/ethnicity-Asian, Black, Latino, Middle Eastern, White

### Language

Foreign Accents (Caribbean, Spanish, French, Mandarin, Middle Eastern)



### Suspicious Person Scenarios

5 Male Actors who vary by skin tone perform in seven scenarios in two locations (urban/suburban)

Agitated

Hearing Impaired

Autistic

PCP

Cell Phone

Knife

Gun

Escalation

De-Escalation





Most importantly, our scenarios mimic actual police encounters in a safe environment that allow police officers the ability to practice and get better. Rarely do police officers have the ability to simulate mundane encounters that occur regularly. Our program overcomes these training limitations. We also audio and video record participants during the simulations. In this regard, trained supervisors can review scenarios with participants in order to evaluate performance and to improve decision-making.



By recording what officers say and what decisions they make, we will not only test whether setting or demographics impact officers' decisions, but *how* officers interact with civilians. Most importantly, we can test officer decisions at several points during the encounter. In the scenario shown above, officers make decisions at up to three points: running the driver's license, searching the vehicle, and the outcome of the stop. At each point, we record the severity of officers' actions and code the level of respect used in their responses based on audio (Voigt et al., 2017).

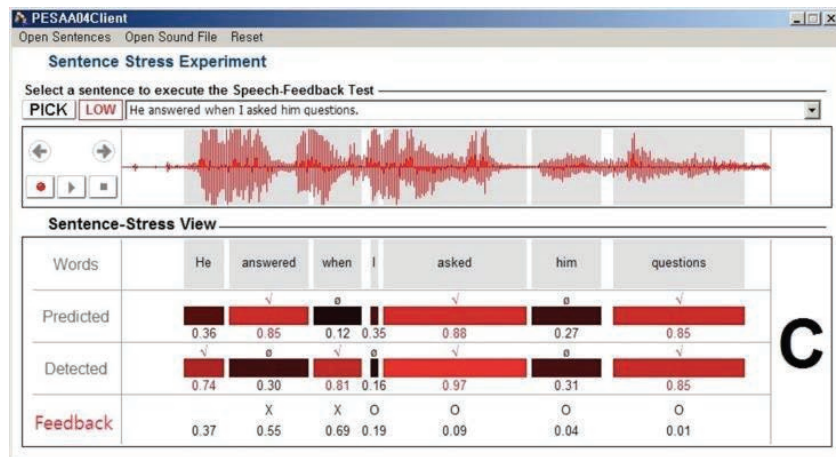
#### ATTITUDINAL AND PHYSIOLOGICAL MEASURES

Upgrading traditional shoot/don't shoot scenarios, our virtual reality scenarios measure escalation/de-escalation, heart rate, stress through speech, eye movement, body movement, and the speed at which an officer reaches for a replica weapon. We also ask officers about their sleep, work, and eating habits. We analyze data, present findings, and write reports for police departments. The objective metrics we examine have the potential to provide training staff with information to help officers optimize their performance while in the field.



Officers Receiving Feedback

One innovation of our virtual reality program's ability to measure and evaluate physiological responses. Our program includes five outcomes important to the public safety community: heart rate, stress as indicated in speech, eye tracking, body movement, and weapon tracking. Physiological data are linked to the stimuli so we can determine the exact point in time at which participants experience stress, what information they are attending to, and when they use force in a tactical situation. We can also measure what participants say, the tone and tempo of their speech, deference terms used in speech, and distance from the virtual reality character (a proxy for approach-avoidance tendencies). Participants also complete an attitudinal survey that allows us to examine the impact that attitudes have on decision-making behaviors. Additionally, a post-simulation debriefing asks participants questions about what they did during the interaction to further hone in on decision making and training goals.



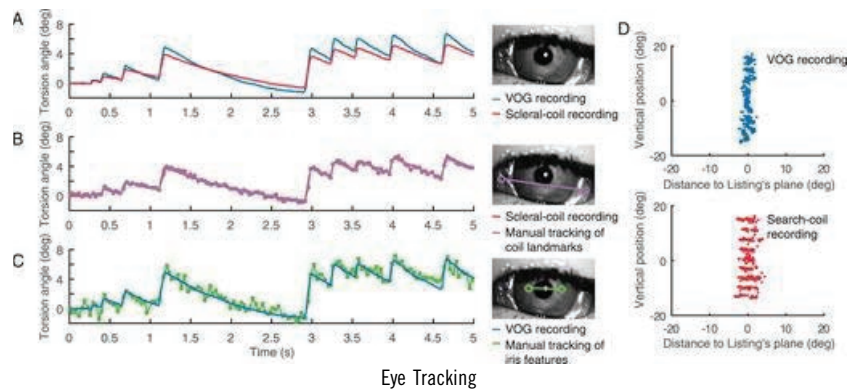
Computer Program that Measures Stress through Speech



Fitbits that Measure Heart Rate down to the millisecond



Trackers placed on replica weapons that allow for tracking body movement



Eye Tracking

While public attention towards police-civilian interactions has tended to focus on high-profile cases like fatal shootings, less commonly examined are more routine interactions civilians have with police (i.e., traffic stops). Civilians from racial and ethnic minorities feel officers are less respectful to them during these interactions (Engel, 2005; Lundman & Kaufman, 2006). This may contribute to decreased trust in law enforcement among Black and Latino Americans compared to White Americans (Morin & Stepler, 2016; Ong & Jenks, 2004; Skogan, 2006; Tyler, 2005). This loss of trust has serious implications; civilians who doubt the legitimacy of law enforcement are less likely to obey the law (Tyler, 2006).

We focus on officer respect and discretionary behavior during traffic stops, as these interactions represent the only contact many people have with law enforcement (Eith & Durose, 2011; Langton & Durose, 2013). This makes them particularly consequential. Each incident represents an opportunity to bolster or undermine trust in law enforcement. Officers have discretion in these situations to pursue actions with more or less severe consequences for civilians (McCartney & Parent, 2015; Lipsky, 2010). For example, an officer who pulls over a civilian for driving over the speed limit might lawfully give the civilian a verbal warning, a written warning, or a citation. What option the officer chooses is up to their discretion. Discretion is not inherently problematic and is in fact necessary to prevent the criminal justice system from being overwhelmed with minor crimes (McCartney & Parent, 2015). Problems arise when officers (unintentionally or not) apply discretion and respect differently across groups (Ridgeway, 2006).

#### ORGANIZATIONAL CAPACITY AND ADMINISTRATIVE STRUCTURE

LASSR is at the forefront of cutting-edge social science research that links to technological innovations like virtual reality in order to make research more applied and palpable. LASSR has three spaces: a conference suite and two lab spaces including five private, virtual reality rooms and a large virtual reality suite outfitted for interactive and movable virtual reality simulations. addition to facilitating the design



and relevancy of social science research by forging connections with policy makers, organizations, corporations and local communities, LASSR provides trainings and teaching modules for continuing education and upgrading existing programs and organizations. LASSR provides dissemination plans for programmatic expansion and community outreach and has the capacity to conduct large-scale quantitative studies, focused experiments, and smaller qualitative, interview-based studies. LASSR produces evaluations and strategies for highlighting successes and addressing shortcomings.

LASSR's administrative structure includes an Executive Director, Lab Coordinator, Postdoctoral Fellows, Graduate Research Assistants, Undergraduate Research Assistants, and Law Enforcement Consultants. LASSR has Faculty Affiliates in the University of Maryland system that span from computer science to public health. LASSR collaborates with a series of policy and community partners including elected officials, policy makers, community, health, and education organizations, and police departments. LASSR is housed in the Department of Sociology in the College of Behavioral and Social Sciences at the University of Maryland. We can be contacted at LASSR@umd.edu.

#### BIBLIOGRAPHY

- Aldrete, G. (2004). *Latino Immigrant Perceptions about the U.S. Police: An Exploratory Study*. (Unpublished master's thesis). University of Nebraska at Omaha, Omaha, NE.
- Ariel, B., Farrar, W. A., & Sutherland, A. (2015). The effect of police body-worn cameras on use of force and citizens' complaints against the police: A randomized controlled trial. *Journal of Quantitative Criminology*, 31, 509–535.
- Burns, P., & Gimpel, J. G. (2000). Economic insecurity, prejudicial stereotypes, and public opinion on immigration policy. *Political Science Quarterly*, 115, 201–225.
- Berg, J. A. (2009). Core networks and whites' attitudes toward immigrants and immigration policy. *Public Opinion Quarterly*, 73, 7–31.
- Correll, J., Park, B., Judd, C. M., Wittenbrink, B., Sadler, M. S., & Keeseee, T. (2007). Across the thin blue line: Police officers and racial bias in the decision to shoot. *Journal of Personality and Social Psychology*, 92, 1006–1023.
- Dai, M., Frank, J., & Sun, I. (2011). Procedural justice during police-citizen encounters: The effects of process-based policing on citizen compliance and demeanor. *Journal of Criminal Justice*, 39, 159–168.
- Eith, C., Durose, M. (2011). *Contacts between police and the public, 2008* (NCJ 234599). Special report prepared by the Bureau of Justice Statistics. Washington, DC.
- James, L., James, S. M., & Vila, B. J. (2016). The Reverse Racism Effect: Are cops more hesitant to shoot Black than White suspects?. *Criminology & Public Policy*, 15, 457–479.
- Jennings, W. G., Fridell, L. A., & Lynch, M. D. (2014). Cops and cameras: Officer perceptions of the use of body-worn cameras in law enforcement. *Journal of Criminal Justice*, 42, 549–556.
- Jonathan-Zamir, T., Mastrofski, S. D., & Moyal, S. (2015). Measuring procedural justice in police-citizen encounters. *Justice Quarterly*, 32, 845–871.
- Judd, C. M., Westfall, J., & Kenny, D. A. (2012). Treating stimuli as a random factor in social psychology: a new and comprehensive solution to a pervasive but largely ignored problem. *Journal of Personality and Social Psychology*, 103, 54–69.
- Langton, L. & Durose, M. (2013). *Police behavior during traffic and street stops, 2011* (NCJ 242937). Special report prepared by the Bureau of Justice Statistics. Washington, DC.
- Lundman, R. J., & Kaufman, R. L. (2003). Driving while black: Effects of race, ethnicity, and gender on citizen self-reports of traffic stops and police actions. *Criminology*, 41, 195–220.
- Martínez, R. (2007). Incorporating Latinos and immigrants into policing research. *Criminology*, 6, 57–64.
- Mastrofski, S. D., Jonathan-Zamir, T., Moyal, S., & Willis, J. J. (2016). Predicting procedural justice in police-citizen encounters. *Criminal justice and behavior*, 43, 119–139.
- McCartney, S., & Parent, R. (2015). *Ethics in law enforcement*. Victoria, BC: BCcampus. Retrieved from <http://opentextbc.ca/ethicsinlawenforcement/>
- Menjívar, C., & Bejarano, C. (2004). Latino immigrants' perceptions of crime and police authorities in the United States: A case study from the Phoenix Metropolitan area. *Ethnic and Racial Studies*, 27, 120–148.

- Michelson, M. R. (2001). Political trust among Chicago Latinos. *Journal of Urban Affairs*, 23, 323–334.
- Morin, R., & Stepler, R. (2016, September 29). The racial confidence gap in police performance. Pew Research Center. Retrieved from: <https://www.pewsocialtrends.org>
- Mucchetti, A. E. (2005). Driving while Brown: A proposal for ending racial profiling in emerging Latino communities. *Harvard Latino Law Review*, 8, 1–33.
- Ong, M., & Jenks, D. A. (2004). Hispanic perceptions of community policing: Is community policing working? *Journal of Ethnicity in Criminal Justice*, 2, 53–66.
- Pierce, S., & Selee, A. (2017). *Immigration under Trump: A Review of Policy Shifts in the Year Since the Election*. Washington, DC: Migration Policy Institute.
- Pierson, E., Simoiu, C., Overgoor, J., Corbett-Davies, S., Ramachandran, V., Phillips, C., & Goel, S. (2017). A large-scale analysis of racial disparities in police stops across the United States. *Arxiv.org*
- Plant, E. A., & Devine, P. G. (1998). Internal and external motivation to respond without prejudice. *Journal of Personality and Social Psychology*, 75, 811.
- Reaves, B. A. (2015). *Local police departments, 2013: Personnel, policies, and practices* (NCJ 248677). Report prepared by the Bureau of Justice Statistics. Washington, DC.
- Ridgeway, G. (2006). Assessing the effect of race bias in post-traffic stop outcomes using propensity scores. *Journal of Quantitative Criminology*, 22, 1–29.
- Shear, M. D., & Benner, K. (2018, June 18). How anti-immigration passion was inflamed from the fringe. The New York Times. Retrieved from: <https://www.nytimes.com>
- Skogan, W. G. (2016). Citizen satisfaction with police encounters. *Police Quarterly*, 8, 298–321.
- Smith, M. R., & Petrocelli, M. (2001). Racial profiling? A multivariate analysis of police traffic stop data. *Police Quarterly*, 4–27.
- Tausczik, Y. R., & Pennebaker, J. W. (2010). The psychological meaning of words: LIWC and computerized text analysis methods. *Journal of Language and Social Psychology*, 29, 24–54.
- Theodore, N., & Habans, R. (2016). Policing immigrant communities: Latino perceptions of police involvement in immigration enforcement. *Journal of Ethnic and Migration Studies*, 42, 970–988.
- Tyler, T.R. (2005). Policing in Black and White: Ethnic group differences in trust and confidence in the police. *Police Quarterly*, 8, 322–342.
- Tyler, T.R. (2006). *Why people obey the law*. New Haven: Yale University Press.
- Tyler, T.R., & Huo, Y. (2002). *Trust in the law: Encouraging public cooperation with the police and courts through*. Russell Sage Foundation.
- Voigt, R., Camp, N. P., Prabhakaran, V., Hamilton, W. L., Hetey, R. C., Griffiths, C. M., et al. (2017). Language from police body camera footage shows racial disparities in officer respect. *Proceedings of the National Academy of Sciences of the United States of America*, 114, 6521–6526.
- Wegener, D. T., & Petty, R. E. (1997). The flexible correction model: The role of naive theories of bias in bias correction. In *Advances in Experimental Social Psychology* (Vol. 29, pp. 141–208). Academic Press.

Ms. NORTON. Thank you, Dr. Ray. To hear those innovations was very enlightening. We will proceed to questions now, and I recognize myself for 5 minutes.

Mr. Barone, I mentioned your program in my own opening remarks. I championed section 1906, and so I would like to hear more about how it is operated and why it has been successful in Connecticut against racial profiling. Apparently, you simply did not treat your findings as evidence of wrongdoing. That is where you began.

What are some of the outcomes you have been able to achieve in Connecticut to address racial disparities in traffic stops using this approach: no wrongdoing using the Connecticut program?

Mr. BARONE. Thank you for the question, Chair Norton, and thank you for your continued support. The success of this program has largely been the result of two factors. One is a statewide creation of an advisory board of stakeholders that have met monthly for the better part of 8 years to try and tackle this issue.

The second thing that has led to the success of this program are departmental interventions. We have often seen, across the country, researchers come in, do a statewide study, and simply point the finger at police agencies, tell them they have a problem, and not help them figure out what is driving that problem or help them determine what solutions they can implement to address that problem.

And so we felt that it was our obligation as researchers not to simply point the finger at law enforcement and walk away. So we spend our time now identifying agencies that require our attention, and we go in and we work with those agencies along with community stakeholders to try and better understand what are the factors driving disparities. I will give you one example to put a finer point on it.

We had an agency in Connecticut that had a significant racial disparity being driven by their use of low-level lighting enforcement. They made 1,608 traffic stops in a 12-month time period for defective lighting, and they had articulated that it was part of their roving DUI patrol.

They were looking for drunk drivers without ever having realized that out of the 1,608 stops for low-level lighting violations, they had only identified 1 drunk driver. But in fact, they were much more successful at identifying drunk drivers when they use techniques that did not have racial and ethnic disparities in the outcomes and were more likely to identify drunk drivers like certain hazardous moving violations. That level of analysis, those levels of conversation, and that level of intervention in that case is what has led to reforms in that agency.

We have been fortunate to do 28 departmental interventions out of 107 agencies in the State of Connecticut and we have made findings in all 28 agencies and helped all 28 agencies improve the outcomes of their stops as a result of those interventions, and us staying at the table with stakeholders throughout the process.

Ms. NORTON. Mr. Barone, I would like to know whether or not other States have been able to replicate the model you have achieved in Connecticut and with the same level of success. And I would like to know about how much funding? Do you believe you could do more with additional Federal investment, or is funding just not an issue here? Could you answer those two questions?

Mr. BARONE. Yes. So currently, three States have replicated, to some version, the Connecticut model: Rhode Island, California, and Oregon, all to great success, the same type of approach—stakeholders, research, departmental intervention.

The reality is that the funding is not nearly enough. Every State that applies for this funding receives a \$375,000 grant a year. And in these challenging fiscal times—previously in Connecticut, for example, we were fortunate to have funding offset by State money which in recent years has dried up. And obviously, in larger States like California and Oregon, that is challenging as well.

Ms. NORTON. Thank you very much, Mr. Barone. And your testimony that it has been replicated suggests to me that this committee would want to do more to see that it is replicated in—you say three States—in even more States. So I very much appreciate

that testimony regarding this innovation and would like to now yield to the ranking member of the full committee, Mr. Davis.

Mr. DAVIS. Thank you, Madam Chair, and I appreciate the opportunity to hear from our witnesses.

Mr. Sandigo, as a former district staffer yourself, a former district staffer to Mr. Stanton, being a former district staffer myself, I understand the impact you would have had working with him and I wish you the best in your new position.

Ms. Ramsey Hawkins, what a tragic story for you and your family. And I am just glad you are able to share it with us today, especially since it is personal for me. I was hit by a drunk driver when I was 12. My ex-brother-in-law and I found out that a Lincoln Continental in the early 1980s far outweighed a Ford Maverick in the early 1980s. And we learned the hard way, but we were both lucky enough to survive.

And it is interesting. Times have changed based upon a lot of the investments that have been made into programs that NHTSA is in charge of that would change the enforcement of drunk driving back in 1982. And because of the advocacy of groups like Mothers Against Drunk Driving, we are in a much different position to ensure that everyone, regardless of race, ethnicity, or any other possible bias, are going to face the consequences for their actions. And it is because of organizations like yours and advocates like you that that continues. We need to continue to fund NHTSA programs that are obviously working.

But my questions go to Ms. Martin. And again, Ms. Martin, great to talk with you yesterday. Thanks for the time today. One of the items you touched upon in your testimony is drug-impaired driving. Can you elaborate on the concerns of the National Safety Council when it comes to drugged driving?

Ms. MARTIN. Yes. Thank you for that question. Today nearly 30 people die on our roadways from crashes related to alcohol-impaired driving. But we also know that alcohol is not the only impairment that an individual driver might be under—things such as fatigue, distraction, as we heard in the opening comments, and also, more recently, marijuana. So anything that has a human being not being on par driving should be of our concern.

Twenty-eight percent of all people who die in crashes were involved in some kind of alcohol-related activity. So we do know this is one of the most important things that we can double down on, making sure that drivers are not impaired.

We heard in the testimony about technology that is available to be put in cars to ensure that drivers are not drunk. I will share, though, with marijuana it is a new challenge for us because we need new technologies to be able to understand whether somebody is impaired at that time as more and more States legalize or decriminalize marijuana.

Mr. DAVIS. Well, and I am glad you brought that up. That leads me to my next question. I am from Illinois. Illinois legalized recreational marijuana. I support States being able to do that. My legislature in Illinois decided that was the new law of the land. But we have to make sure that we do the research necessary to keep our roadways safe.

Now, you mentioned to me yesterday some of the concerns that are being brought forth in regards to how to develop a test that could possibly put THC levels in. But you also mentioned some concerns about that being the barometer. Can you expand on this for the subcommittee?

Ms. MARTIN. Yes. Thank you, sir. So today we know in alcohol, we can do a blood alcohol level, and States have their regulations around that that have been very effective, to have a car-side or other kinds of interventions to understand how much alcohol is in someone's system.

For THC or cannabis, it is a little more challenging. We do not have that technology today that, roadside, could say definitively that the amount of drug in your system is causing a certain level of impairment. People are working on it. But in the meantime, one of the technologies or techniques that are used to ensure that we understand the impairment of an individual is called a drug recognition expert.

And these are law enforcement individuals who are trained to be able to determine impairment, regardless of doing anything with actual substance in the body. So that is really important, that we not only have those training programs, we increase funding for those training programs, and make sure that we have them across our Nation.

Mr. DAVIS. Well, thank you very much for helping to explain that issue, too.

Last question: If this committee decides to address the issues of bias and equity by prohibiting States from using NHTSA grant funds for enforcement activity, what effect will that have on roadway safety?

Ms. MARTIN. The National Safety Council is very supportive of law enforcement and all kinds of enforcement-related programs. And the NHTSA grant programs have been critical to that. So we definitely encourage that those problems be remained in place and that they be focused on the techniques and the remediations that we know really, truly can have more safety on our roads, and we would encourage, in law enforcement, enforcement alternatives to be part of that program.

Mr. DAVIS. Thank you, and thank you again, all the witnesses. Madam Chair, I yield back the balance of my time.

Ms. NORTON. Thank you, Mr. Davis.

I recognize now Ms. Johnson of Texas.

Ms. JOHNSON OF TEXAS. Thank you very much. I appreciate the fact that we have great witnesses, and would like to thank them and also thank you for the hearing.

I would also like to ask unanimous consent to put my opening statement in the record.

Ms. NORTON. So ordered.

[Ms. Johnson of Texas' prepared statement follows:]

---

**Prepared Statement of Hon. Eddie Bernice Johnson, a Representative in  
Congress from the State of Texas**

Madam Chair, please allow me to thank you and the subcommittee for holding this hearing on "Examining Equity in Transportation Safety Enforcement." The purpose of this hearing is to examine the role of enforcement in supporting traffic safety, and associated equity implications.

Transportation safety is a critical issue that encompasses multiple areas. I am concerned about the equitable enforcement of traffic safety laws. Racial profiling and the consequential mistrust of law enforcement has to be met with meaningful solutions to keep the peace and ensure fairness.

In Dallas and throughout our country, we are tackling the issue of racial profiling in traffic stops. Currently, many traffic safety laws are enforced by State and local law enforcement agencies. According to researchers at Stanford University, law enforcement makes approximately 50,000 traffic stops nationwide on an average day. More than 20 million drivers are pulled over each year, making traffic stops one of the primary interactions between the public and law enforcement.

The use of enforcement to promote traffic safety raises significant equity implications. Researchers analyzing traffic stop data from across the U.S. have confirmed that law enforcement pull over minority drivers at a higher rate than white drivers. In 2013, the National Institute of Justice stated that, "research has verified that people of color are more often stopped than whites." If we know this to be true, now is the time to eliminate this insidious problem.

I understand that last year, researchers at Stanford University published a first of its kind analysis of over 100 million traffic stops conducted nationwide. The study found that black drivers were less likely to be stopped after sunset, when a 'veil of darkness' masks one's race, suggesting bias in stop decisions and that the bar for searching black and Hispanic drivers was lower than that for searching white drivers. According to the researchers' analysis, evidence shows, "that the decisions about whom to stop and, subsequently, whom to search are biased against black and Hispanic drivers." Not only is racial profiling unconstitutional, if an individual is stopped for reasons other than traffic safety problems then law enforcement resources are not maximized to enhance safety.

Madam Chair, I am committed to both fighting systemic injustices in transportation safety enforcement and ensuring that our streets and highways are safe for everyone.

Ms. JOHNSON OF TEXAS. Ms. Martin, I understand that the National Safety Council is America's leading nonprofit safety advocate and has been so for over 100 years. You documented that people of color are disproportionately represented in fatal crashes involving people walking. For the record, to what do you attribute these disproportionately high numbers of people of color being killed by a vehicle while walking?

Ms. MARTIN. Yes. It is a very important question, ma'am, and thank you. In a lot of communities that people of color are in, we do not have the same kind of safeguards in our roadways. We may not have sidewalks, and if communities and residents are using their roadway environment to walk or bicycle or use pedestrian-related approaches to get where they need to be for their job, for their healthcare, for whatever they need, they are at higher risk.

Some of the data has also shown, unfortunately, that drivers do not yield as much to persons of color, which is just startling and alarming. And then again, data sets us free, as we heard from Connecticut, understanding what is really going on and then taking actions.

But not all roads are created equal, and we need to look in the communities where we are seeing higher fatalities and injuries and look at how the roads and roadway infrastructure is being used, and ensure we put the investment where we know we have the highest risk factors.

Ms. JOHNSON OF TEXAS. Thank you very much.

Mr. Barone, in your testimony you stated that “disparities in the criminal justice system, particularly police enforcement, have been a major source of political protest and social unrest in the United States. Motor vehicle enforcement is a common focus of these conversations since it is the public’s most frequent interaction with law enforcement.”

What role does the collection of data play in equity and transportation safety enforcement in combatting racial profiling?

Mr. BARONE. Thank you for the question, Representative. I can tell you that in the absence of data, we have been having these conversations anecdotally and people have come forward with their experiences, which are important to share and powerful, but they have often been refuted by law enforcement.

And once the cold, hard facts are presented, we can finally advance the conversation, not to whether the problem exists, but what do we do about the problem? And when we started this work, for example, in Connecticut, we were still arguing over whether we had a problem.

Once we finally collected the data, we could go and say, we cannot be arguing anymore about whether this exists. Those stories that people have been presenting, that they have been sharing over recent years, they need to be believed because the data supports them, which is why it is critical that we collect this information moving forward.

Ms. JOHNSON OF TEXAS. Well, thank you very much.

Mr. Sandigo, is it your professional opinion and experience that race-based enforcement of traffic safety laws actually impedes transportation safety?

Mr. SANDIGO. Congresswoman, thank you for the question. Absolutely. I think that the distrust that happens when a community is subject to race-based enforcement can affect any interaction with future law enforcement. For example, Latino members of the community were hesitant to come forward as witnesses if they had seen something on the road; they did not want to interact with the sheriff’s deputies because of what that could lead to. Same thing that if they were victims of a crime, they would not want to interact with the sheriff’s deputies.

And so the breaking of the bond between law enforcement and the community affected future interactions. And it also created distrust for citations around equipment failures because it was used consistently against the community to pull them over.

Ms. JOHNSON OF TEXAS. Thank you very much, Madam Chair. I think my time is about expired.

Ms. NORTON. Thank you very much, Ms. Johnson.

Now going to Mr. Johnson of South Dakota.

Mr. JOHNSON OF SOUTH DAKOTA. Thank you very much, Madam Chair. I appreciate that. And I want to thank the panelists, who have offered, all of them, some compelling information for us to consider.

But I could not help notice the relative scarcity of information we have available to us today related to Native Americans and people in Tribal areas. Of course, I want to start by calling out some good behavior.

Madam Chair, you mentioned Tribal Governments in your opening remarks and thank you for that. Mr. Davis, our ranking member, noted Secretary-designate Haaland and our willingness to work with her, and of course she knows well the issues facing Indian Country.

And then I do want to call out Ms. Martin, who I was grateful to see, on page 3 of her testimony, referenced some data having to do with Native American fatalities. It was the only reference to Native Americans or American Indians in the 40 or 50 or 60 pages of testimony before us, and I thought it was important data for her to bring forward.

I want to dive into these issues a bit more because so many of my friends who are American Indians have told me so many times that they feel invisible, even when we are talking about policy issues related to people of color, they feel as though their issues are overlooked.

And so I do want us, as a subcommittee, to dive a little deeper today during my time. And of course, we know that this is a real issue; I would offer three data points to set the stage.

First off, the National Highway Traffic Safety Administration notes that there were 2,958 motor crash fatalities among American Indians just in the years 2015 to 2019.

Secondly, I would note that in Ms. Martin's testimony, which I referenced earlier, she notes that Native American pedestrians are almost three times more likely to be killed or to be involved in a fatal crash than White Americans.

I would commend all of you to the 2018 report Secretary Chao did and submitted to Congress, "Options for Improving Transportation Safety in Tribal Areas." It is an excellent read. It well defines opportunities for us as Congress, as well as others, to make meaningful progress in this area. The beginning of her report notes that in some States, Native Americans are overrepresented in fatal crashes by as much as four times the general population. They are chilling statistics, in my mind; I am sure for many of my colleagues as well. And I want to use a specific example from South Dakota that I think might help some of my colleagues, who do not have Indian Country within their district, understand the challenges that American Indians face in this arena.

So let me talk about the Pine Ridge Indian Reservation, which is served by the Oglala Sioux Tribal Police. And these statistics are eye-opening. First off, this is the second busiest law enforcement agency in Indian Country in the United States of America, second only to the Navajo Nation. It is, by my estimation, the second busiest law enforcement agency in the State of South Dakota.

We are talking about their dispatch receiving 139,000 calls last year, which resulted in over 72,000 calls for service and 9,000 arrests last year. I think we all probably understand that those numbers were down because of COVID, but still astronomically high. And we are talking about 2.5 million acres under the jurisdiction of this law enforcement agency. They have 43 sworn officers to govern 2.5 million acres.

So why do I bring this up? What does this all mean? I mean, we are going to be dealing with law enforcement reform in the 117th Congress. We are going to be dealing in the broader committee



with the 5-year reauthorization of the surface transportation bill. These are critically important pieces of legislation that have a tremendous impact on the lives of people, of course, across America, but particularly within Indian Country.

And so I just want to make sure that we do not overlook the lives of American Indians or those living in Tribal areas when we are dealing with these huge pieces of legislation. And with the seconds I have left, Madam Chair, I would just note one additional resource for my colleagues.

Last year in August I sent a letter to Speaker Pelosi and to Leader McCarthy that outlined some investments that we in Congress can make to address these law enforcement and transportation safety issues in Indian Country. I would ask for unanimous consent to have it entered into the record of today's proceeding, and I believe I have a physical copy there in the room, ma'am.

And with that, I would yield back, and thank you.

Ms. NORTON. So ordered, Mr. Johnson.

[The letter referred to follows:]

---

**Letter of August 13, 2020, from Hon. Dusty Johnson, a Representative in Congress from the State of South Dakota, Submitted for the Record by Hon. Johnson**

AUGUST 13, 2020.

Hon. NANCY PELOSI,

*Speaker,*

*U.S. House of Representatives H-232, The Capitol, Washington, DC.*

Hon. KEVIN MCCARTHY,

*Minority Leader,*

*U.S. House of Representatives H-204, The Capitol, Washington, DC.*

DEAR SPEAKER PELOSI AND LEADER MCCARTHY,

In the face of civil unrest following the death of George Floyd, many in Congress have shown a desire to work in a bipartisan way to enact change. As we continue the important task ahead of us, I urge you to not forget the unique disparities Native Americans face within the justice system.

Because of their political status with the United States, Native Americans have a different relationship with the federal government than any other people group in the United States. As a result of various treaties, the federal government is obligated to provide certain services to tribes. In the present day, tribal justice systems primarily are organized under self-determination contracts (638 contracts) or are directly administered by the Bureau of Indian Affairs (BIA). These arrangements are often fraught with funding shortages and bureaucratic hurdles.

In my conversations with tribal leaders, they have identified the following areas for reform. We must not forget these critical needs as we work to make the justice system more equitable for all.

*Recruitment and retention of law enforcement officers:* Tribal police departments experience tremendous difficulty in recruiting qualified officers. Furthermore, even after qualified officers have been hired and trained, it is difficult to retain these officers. Congress should ensure qualified officers are sufficiently compensated, with benefits. Additionally, if a tribal police department invests time and money in training officers, those departments should be made aware of their ability to offer incentives to officers to mitigate turnover in their department.

*Establishment of Northern Plains Federal Law Enforcement Training Center (FLETC):* Recruiting and retaining qualified tribal law enforcement officers would be helped by establishing a FLETC location in the Northern Plains. Currently, tribal officers must travel to Artesia, New Mexico for 16 weeks of training. The length of the program and the distance from friends and family discourages many from becoming tribal law enforcement officers.

*Organizational accountability and transparency.* Tribal leaders have voiced concerns about lack of responsiveness from employees within BIA Office of Justice Services (OJS). Additionally, there is concern about lack of coordination between

BIA OJS and other governmental entities. This places unnecessary burden on tribal government officials, diverting staff time towards navigating the federal bureaucracy and away from core job duties. BIA OJS should provide Congress with a plan to increase coordination both within the federal government and with tribal governments, increase staff responsiveness, and reduce unnecessary bureaucratic hurdles.

*Funding for detention centers.* Detention centers on tribal lands in South Dakota are in disrepair. Especially with the ongoing threat of COVID-19, Congress, in conjunction with BIA's Office of Justice Services (OJS), should ensure funds are appropriated and distributed to the tribal detention centers most in need. Additionally, the repairs and renovations to these detention centers must be done in close coordination with local leadership, to ensure that the unique needs of each community are met.

*Funding for treatment centers.* Our law enforcement officers are often tasked with caring for and interacting with those deep in the throes of addiction. While law enforcement often go above and beyond in these situations, they should not be the primary caretakers of these individuals. Tribal governments have been asking for funding for tribal treatment centers for years. Congress should honor this request and work to reduce regulatory barriers so that these can be implemented in an expeditious manner.

*Racial equity.* Racial equity in justice and policing is vital to increasing compassion and understanding in our society. There are several ways to move toward this. We should ensure any data points include indigenous people. Including them will help determine the scope and extent of racial disparity in police encounters. Congress should authorize federal funding for cultural training and indigenous conflict de-escalation, and law enforcement agencies should work to recruit and retain diverse workforces. Much of this should be done at the state and local level. However, the federal government can set an example by ensuring sufficient federal data collection and by incentivizing cultural training through existing grant programs.

As we work towards racial equity in justice and policing reform, I urge you to consider the needs and priorities of those in Indian Country. I look forward to working with you to achieve these goals.

Sincerely,

DUSTY JOHNSON,  
Member of Congress.

Ms. NORTON. I appreciate those statistics. I mean, people are far more familiar with the statistics involving African Americans. I had never heard the statistics you have just given us on Native Americans. I imagine that the way in which we are able to understand what is happening to Native Americans is that these stops occur in areas which are Native American areas. And I think they demand the kind of attention that I think your questions have raised for the subcommittee and the full committee.

Mr. JOHNSON OF SOUTH DAKOTA. Thank you, ma'am.

Ms. NORTON. Yes, sir.

I would like to recognize Mr. Sires at this time. Mr. Sires, you are recognized for 5 minutes.

Mr. SIRES. Thank you, Chair Norton. And thank you to all our witnesses today.

I believe addressing equity in the traffic safety and enforcement space is very important, especially since almost 70 percent of my district speaks a language other than English at home. Sixty percent identify as Spanish-speaking. As a Cuban-American in Congress, I believe it is my duty to use my voice to help shine a light on and combat systemic racism and explicit biases across the country and within our transportation sector.

Mr. Sandigo, first I want to thank you for sharing the stories of immigrants in this country. I think it is important for Members of Congress and the public to hear about what immigrant families and minority communities experience in America and how these experiences are not unique but commonplace in this country.

My question is to you, Mr. Sandigo. As a former chairman of the Community Advisory Board, can you elaborate on the specific reforms that were implemented and have proven to be most effective at increasing community trust?

Mr. SANDIGO. Thank you, Congressman, for the question. The use and publication of data was key for the community to understand what was happening. If you do not know what is happening, it is easy to pretend that nothing bad is going on. And so the data related not just to things like traffic stops, traffic stop length, arrests and seizures, but also things—for example, if someone filed a misconduct complaint, how long would it take to be resolved? What was the process that the deputy went through?

And so that information was critical for the community to understand. And something that we really pressed the sheriff's office on was making the information accessible. So, one was making the information available in Spanish, and to have Spanish speakers be able explain it and in terms that were easily understood so that they did not get caught up in the jargon or in something that was not understandable to them.

Mr. SIREs. What else can we do? What more can we do?

Mr. SANDIGO. As I mentioned in my testimony, body-worn cameras were really effective in increasing community trust. It was something that community members heard about. It was something that they were interested in learning how it worked. What were the policies behind it?

And it was something that they also had strong opinions on. So, for example, if it came out that a sheriff's deputy had muted the camera because they were talking strategy, community members would look at that as, what do you mean they get to mute it when they talk strategy? What are the policies and parameters around that?

And so once they understood something like that, they would be able to engage in a higher level conversation. And I think also just the presence of a Community Advisory Board that was independent—we did not report to the sheriff; we were not under his jurisdiction—allowed there to be a level of trust that we could channel their concerns up to the right people.

Mr. SIREs. Thank you.

Dr. Ray—are you there, Dr. Ray?

Mr. RAY. Yes, sir. I am here.

Mr. SIREs. I am interested in hearing more about data gathering from virtual reality. One of the things that I noticed, and having been a former mayor, is that sometimes police officers reacted when they made a stop if somebody had a heavy accent, or somebody did not speak the proper English, it seemed that their reaction immediately turned a little bit hostile—in some cases, not all cases. I don't want to put everybody in the same mold.

But there were many times where you almost can see it. Is there a way in your studies that you can detect that?

Mr. RAY. Yes, sir. Definitely is. One of the things that we do, we not only vary the race agenda of the person but also their perceived ethnicity. We tested their faces with raters. And we also include language, a series of languages that we thought consciously about that are some of the most pervasive in the United States—Spanish,

French, Middle Eastern, Mandarin, and Caribbean in terms of accents and words used.

So in that regard, we are actually able to assess that when an officer interacts with someone, how do they respond to a person's accent? One of the biggest things we found is that when it is an accent or is difficult for someone to understand, it oftentimes enhances stress. And so how can we help to reduce that stress to reduce bias?

Mr. SIRE. Thank you very much. My time is up, but thank you very much.

Ms. NORTON. Thank you, Mr. Sires.

Next, Mr. Guest.

Mr. GUEST. Thank you, Madam Chairman.

Mr. Sandigo, in your testimony you speak of the use of body-worn cameras. I believe that this is something that is very important for our law enforcement to be equipped with body-worn cameras. And I think it is important that we make these body-worn cameras available to all law enforcement, particularly those serving in rural jurisdictions.

We know that many large communities such as your county may be able to fund bodycams, but there are smaller jurisdictions, cities and towns, that are unable to afford this technology. A lot of concerns come from these smaller constituents that are unable to compete for some of the Federal grant funding that is available for body-worn cameras, many of these grants going toward larger urban cities than toward our rural police departments. And this could lead to inequity and issues as far as the technology that is possessed by large urban police departments and then smaller rural departments.

And so my question is: Can you speak to the benefit of all law enforcement units having broader access to the most up-to-date body cameras and equipment to best create transparency in law enforcement, and how this relates to those issues that we are discussing today?

Mr. SANDIGO. Congressman, thank you for the question. What I can speak to is how it benefitted us in Maricopa County. Maricopa County has urban areas, such as Phoenix, but it also has rural areas on the outer edges of the county. And both in the urban areas and in the rural areas, the use of body-worn cameras, the knowledge that the community have that the deputies had them and that they were using them.

And we even asked, can you bring one to a community meeting, can you show us how it turns on, how it turns off, what are the parameters around it, proved to be successful in increasing community trust. And so both in the urban and rural parts of Maricopa County, it was a helpful policy.

Mr. GUEST. And would you agree that use of body-worn cameras protects the general public from law enforcement who may be physically or verbally abusive; but also, on the other hand, it protects law enforcement from people who may make claims against law enforcement that are unsubstantiated?

Mr. SANDIGO. In my experience, both the deputies and the community members liked the body-worn camera policy. For example, if there was a misconduct complaint against a particular officer,

then it was easy to look over that particular footage of that particular officer to see what had actually happened. And so it went both ways in terms of perceived benefit.

Mr. GUEST. And Ms. Hawkins, I wanted to first thank you for being here. I have read your testimony and I heard your opening statement. I want to tell you how sorry we are for the loss of your two sons that were killed by a drunk driver. I see here that in this information, it looks like both individuals that were involved were prosecuted. I see one has already been released from custody and another is serving a prison sentence of 19 years in the custody of, I am assuming, the Louisiana Department of Corrections.

And I also want to commend you on being a part of MADD. Mothers Against Drunk Driving is a phenomenal organization. As a former prosecutor, I know that MADD serves an important role between the prosecutor's office and law enforcement and the victims.

But in looking at this, my question to you is: What should we be doing to be more aggressive in our efforts to remove drunk drivers from our streets? I know you talk a little bit about some of the high-visibility enforcement, sobriety checkpoints, saturation patrols. You talk a little bit in your testimony about the use of technology, both passive and active technology, that would be able to detect impairment. And so my question to you is: What should law enforcement be doing to be more aggressive?

And then finally, my followup question to that is: Do you think that we should increase penalties for those convicted of drinking and driving? In many States, my State of Mississippi, assuming that no one is injured, before a DUI becomes a felony you have to have two prior DUI convictions within 5 years.

And so I think it is important that we look at seeing what we can do to increase those penalties. But I wanted to ask your opinion on both what we should do to be more aggressive, and if you think there needs to be a push by Congress to increase the penalties for those convicted of drinking and driving.

Ms. RAMSEY HAWKINS. Thank you for your questions and this opportunity.

First, we have to definitely start having these conversations. We all have to come together at the table and come find that common ground. We talked today about two excellent programs that are working in States in bringing that data. We have to bridge together everything that everyone has.

And we definitely, definitely need to increase the penalties that are happening for drunk driving. That is just my personal opinion on that, given my own personal experience. But it starts with communities coming together and it takes people like myself, the professors that are implementing these programs—which are excellent programs so we stand behind that, MADD in support—and we have got to have those conversations.

And it starts with just talking, bringing together communities, law enforcement, in pushing these programs. It has to happen. And so once we get these things going, bring it back to the table, everyone brings what we have to offer, bring it out to the community, and that is where we go.

Mr. GUEST. Thank you. And Madam Chair, I yield back.

Ms. NORTON. I thank the gentleman, and I particularly thank him for his question on body-worn cameras. I have had a bill in for some time to have Federal officers all wear body-worn cameras. They are ubiquitous in the States; there is no reason why the Federal officers should not also have such cameras.

Ms. Brownley.

Ms. BROWNLEY. Thank you, Madam Chair.

Ms. NORTON. You are recognized for 5 minutes.

Ms. BROWNLEY. Thank you, Madam Chair. I appreciate it. And I thank all who have testified today, sharing their expertise.

I wanted to ask Mr. Barone a question. You said in your testimony that only 23 States had applied for the section 1906 funding, so that is not all the States. Are the States that have not applied, are they resistant to collecting such data, or are there other reasons why these States are not applying for these funds?

Mr. BARONE. So we know that there are over 30 States that require some form of data collection with regards to information on traffic stops. And in my experience in talking to a number of States and in talking to a number of organizations like the Council of State Governments, which has networks in all the States, one of the reasons why States have not always taken advantage of the section 1906 program is largely because of a lack of knowledge and a bit of a disconnect.

The section 1906 program resides in the highway safety offices, typically in State departments of transportation. And oftentimes the work that is being done in States to address racial disparities in policing is being done by some criminal justice entity. So there has been a bit of a disconnect.

And I believe that this program would benefit from a technical advisor, like many DOJ grant programs are established, so that some entity can come in and help NHTSA get the word out that these funds are available, and to help States that, A, already collect this data utilize this funding to enhance their program, and B, to reach out to States that are not currently collecting data to build this infrastructure.

And again, I just think that bringing in some technical advisor to help NHTSA on that would go a long way in getting more States to know about the money, to use the money, and to partner the transportation folks or with the criminal justice folks.

Ms. BROWNLEY. Thanks for that. And I notice that California is one of the States that has replicated your model. But they are also one of the States that have not applied for the section 1906 funds.

Do you have any idea why California is not doing it? Do they fall into the trap that you just described?

Mr. BARONE. I have been fortunate enough to have done some work in California as they helped to get their program up and running and their law passed in 2015. And the reality is that I think it is what I mentioned earlier, which is that \$375,000 a year in California, right, just does not go that far. And then you have got to talk about all the work that goes into applying for and oversight for receiving and spending the Federal dollars.

It is just a challenge in California. I cannot speak for them, but they may have made a calculation that they have over 400 police agencies in California that are going to be collecting data. And so

it is a much different challenge than, say, we had in Connecticut, where there are 100 agencies and we are a smaller State. And it is one of the reasons why I would advocate for additional resources to be spent, that States could have access to, to really ensure that resources are provided through this program.

Ms. BROWNLEY. Thank you for that.

And Dr. Ray, I have a question for you. I have heard you testify before, so I think what you do is extraordinarily important in terms of the training aspect. So in your research, have you studied whether the race of a law enforcement officer has any impact on racial bias in enforcement?

Mr. RAY. Yes. Thank you for that question. The race of the officer does not matter as much as we might expect. What I mean by that is, what we do is we are able to examine comprehensively officers' implicit attitudes and their explicit attitudes.

And we find that, regardless of race, that officers are more likely to exhibit a form of bias against Black drivers and Black pedestrians. And I think that is something that is really, really important. Now, it does not mean that we do not see a gap in implicit attitudes in terms of Black officers in particular being less likely to hold these attitudes.

But when it plays out in the scenarios, there are a series of factors that race also intersects with—for example, stress level, sleep, whether or not they are hungry, their judgment. And those factors oftentimes can lead to racial bias going on steroids.

So we put officers through these programs. They repeatedly go through. They get feedback from training officers to reduce the likelihood of bias and reduce objectivity when they are encountering someone in the field.

Ms. BROWNLEY. And would you say the gender or the age of a police officer still does not have any measurable impact?

Mr. RAY. So age is interesting because it relates oftentimes to experience. Now, that does not always mean that we do not have older officers who are less experienced. But age and experience are highly correlated. We find that more experienced officers are much more stable when they interact with people, meaning more stable heart rates, more stable stress levels, and they tend to make better decisions.

Gender is similar to race. When we actually look at our scenarios and we are able—and let me be clear. We are one of the first entities to be able to really examine attitudes and behavior. There are some that examined attitudes. There are some that just measure behavior. We are able to do both.

And when we put that together, we do not see as huge of an impact when it comes to gender—say, women officers interacting with people relative to men. Instead, what we find more broadly in our research is that race and gender matter also within police departments for promotion and equitable policies, that then spills over into the street and leads to better decisionmaking.

Ms. BROWNLEY. Thank you so much, and I yield back my time, Madam Chair.

Ms. NORTON. I thank Ms. Brownley for her questions.

I must say I was astounded to hear that there is no difference between Black drivers in respect to these stops. So that tells us that we should not simply assume where race stands here.

I found that astonishing to hear, that those stops on the part of Black officers appear as often as on the part of White officers. This is the kind of testimony we need when we decide what to do so that we do not take race into account where it is not relevant.

Mr. Nehls, you are recognized for 5 minutes.

Mr. NEHLS. Thank you, Chairman DeFazio and Ms. Norton.

I am glad that we are having this conversation today, and as a former lawman for 30 years, I thought I might be able to share some of my experiences.

Before I get into it, I would like to thank, personally thank the thousands of law enforcement officers that are serving our communities across this great country of ours each and every day under the difficult conditions, and that includes the Capitol Police.

So my hat is off to those that chose law enforcement as a career.

I served as sheriff for Fort Bend County from January 2013 to 2020, for 8 years. And during those 8 years, I submitted a report on racial profiling to the Texas Commission on Law Enforcement. It was done each and every year.

Those reports are public, and anyone can look at them. Every law enforcement agency in Texas that can pull someone over is required to submit that report.

Now, I know Texas is not alone in requiring agencies to collect and publish that data. Fort Bend is a great county. It is the most diverse county in the entire country. That is according to the Rice University Kinder Institute, a very respected institution.

In 2019, the Fort Bend County Sheriff's Office conducted 22,990 stops. The 22,990 stops had zero instances of any bodily injury either to the deputy or the violator, and I am very proud of that figure.

Now, I am not a statistician like Mr. Barone, but it was my observation as sheriff that in predominantly White parts of the county, traffic stops tended to be White. In predominantly Hispanic parts, they tended to be Hispanic.

That data is available, and feel free to run regressions on that.

It seems to me that if agencies are collecting and publishing data, it should be the Department of Justice that looks at it, not NHTSA. If a law enforcement agency is clearly demonstrating racial profiling in its data, the DOJ can enter a consent decree to improve policing.

And there are 13 agency investigations which are open today. The DOJ should probably be the one who helps States start collecting the data, too.

I will echo the comments of my colleagues and say that we are probably not the committee in the House best equipped to examine and debate this topic. NHTSA does great work on highway safety programs, and you have to really think about the word "safety." That is what their mission is.

My deputies use NHTSA training on child passenger safety to help the parents in Fort Bend County, and believe it or not that program saves lives, and I support it. It has been a wonderful program.



I just do not see the utility in diverting funds from safety programs to study things that should be the focus of other Federal agencies.

Let's keep collecting the data, and let's use it to improve law enforcement, but let's make sure that the right tools and agency are being applied.

With that being said, I have a question for Mr. Barone, and I am glad, sir, to see your success which Connecticut had with section 1906, but do you believe the Federal Department of Transportation is better equipped than the DOJ, the Department of Justice, to work with law enforcement agencies as it relates to racial profiling or racial bias?

Mr. BARONE. Thank you for the question, Representative.

I can tell you that the section 1906 program has been used to help States grapple with this issue themselves, and that the Department of Justice in the case of Connecticut, oftentimes we have taken our data and gone to the Department of Justice and asked them to review things.

But the Federal agency NHTSA does not play a role in the evaluating or in the establishment of the system that collects and analyzes data. It is designed so that States can best create the programs that work best for them and their localities.

And so there is not a one-size-fits-all approach. The approach we are taking in Connecticut, although it has been replicated in other States, they have taken their own modifications to that program to best fit what meets their needs on a local level.

And so I just want to be clear that the Federal agency, being NHTSA, really has been there to support the passing through of funds to allow States to do this important work.

Mr. NEHLS. As a sheriff, you know, being in law enforcement for 30 years, the DOJ, you have heard of consent decrees. I mentioned it earlier in my talk here and the 13 different agencies.

And Mr. Sandigo referenced Sheriff Arpaio in Arizona with the racial profiling, and I believe that the Department of Justice investigated that. I do not believe it was DOT or NHTSA.

And in Texas, this racial profiling report, it is done annually, and the report is very, very specific. It asks for race, and there may be many members on this committee, who have no idea what I am talking about, but it asks for race.

Do you know on that report each and every traffic stop, the 23,000 that I mentioned, you have to answer yes or no whether there was a search of that vehicle and whether there was consent to search that vehicle?

I do not know if people even realize that that took place.

Do you know there is a question—

Ms. NORTON. Could you ask the question?

Mr. NEHLS [continuing]. That you have to respond to that asks did the officer know the race of the violator before the stop even took place?

So the point is all of the data is there in the great State of Texas. That data is reported to HPD-City Council. In my county, it was reported to Commissioners Court, and that is collected in the receptacle by TCOLE.

So the information is there. So I believe that this is more of a local issue. If there is racial profiling being done, if there is bias or injustice, it would be done at the local level, and we should start holding our chiefs of police and maybe the mayors and others accountable.

But there has to be some accountability, but I believe it needs to be kept at the local level. If there is criminal activity, the Department of Justice needs to come in and investigate it.

But I think NHTSA has an enormous amount of work to do. I know that Ms. Martin talked about the increase of fatalities, and that is sad. But NHTSA is too busy right now with everything else to get involved in this discussion.

Ms. NORTON. The gentleman's time has long expired. I am not sure there was a question there, but I want to move on now to Mr. Brown.

Mr. BROWN. Thank you, Madam Chairwoman.

Professor Ray, again, welcome to the committee, and thanks for your testimony, in which you mentioned that since 2017, the Lab for Applied Social Science Research at the University of Maryland has developed over 100 virtual reality scenarios.

You testified that you have trained and worked with over 2,000 police officers in large, midsize, and small departments across the country to develop and implement a virtual reality decisionmaking program for law enforcement.

I just have a few questions. First, is this virtual reality program ready to scale?

And if so, what does that look like logistically?

Mr. RAY. Yes, sir. Thank you for the question.

So, yes, we are prepared to scale. We have worked with police officers in various places around the country, I mean, including Maryland obviously, but North Carolina, Ohio, Missouri, Arkansas, Tennessee.

What it looks like logistically, what we have done up to this point is we fly groups of officers into our lab, that space that people were able to see on the images and the videos.

We take them through our program. It takes about 2 hours to go through. Oftentimes they will go through several scenarios.

But we are also equipped to be virtual and with resources to go to specific departments. That is one of the big things that departments ask us. They say, "Hey, can we get this in our department?"

We say yes. Oftentimes it is a funding issue for them at the local level to be able to bring our equipment and what we do for them.

We also have a train-the-trainer course, which people who are part of the Department of Homeland Security have participated in to train law enforcement officers to be able to use our program to train their own officers.

Mr. BROWN. How do you ensure the protection of information and data?

You are collecting a lot of it during these scenarios. You outlined to the committee the types of data, and so how do you protect it and where is the information housed or stored? Who has the custody of it?

Mr. RAY. So the data are stored on password protected devices at the University of Maryland. When we set this up at specific police departments, it is housed there in a similar secured data file.

Importantly though is we really uphold confidentiality and anonymity. We never ask personal identifying information, no names, no badge numbers. Instead it is simply demographic information, and we examine what we do at the group level.

Also importantly is, as Members of Congress know, at universities one important part for oversight is we have what is called Institutional Review Boards. We call them IRBs.

For any type of research we conduct, it has to be approved by a committee. Oftentimes we have a series of revisions. With this project that has definitely been the case, and so we have a lot of protocols in place to protect officers.

I have a series of police officers in my family, and I understand the importance of protecting their confidentiality and anonymity and allowing them to train in a safe environment so that then they can get on the street to reduce bias, to treat people in a way that allows them to protect and serve.

Mr. BROWN. So you mentioned the work you have done with Prince George's County Police Department. That is the county that I have the privilege of representing, at least part of it, along with Mr. Hoyer.

Do you just work with departments from the Maryland area or are you able to offer this program to departments across the country?

Mr. RAY. Yes, we are definitely able to offer it to departments around the country, and to date we have worked with departments from North Carolina, from Ohio, Tennessee, Arkansas, Missouri, and I should be clear that we work with large, medium-size, and small departments.

That was really, really important for us. I am originally from Tennessee. I went to grad school in Indiana, did a post doc in California, and now I am in Maryland. I have lived all over the country, and one thing I know is that a lot of small and medium-size departments, particularly those in rural America, get left out of programs like this.

We wanted to ensure that our program was set up where we would be able to work with those departments, and we do have the capacity to do that, to take it to scale, and with the proper resources, we are able to bring small departments to us, and for larger departments, we are able to outfit them with the proper equipment and technology and then provide logistical and software support to help them be able to use our program long term.

Mr. BROWN. Well, thank you, Professor Ray. And I see that my time is about to expire. I will abide by the time allocated through the rules of the committee.

I just want to thank you for the work that you are doing at the University of Maryland and the work that you are doing at Brookings. Thank you for testifying today, and it sounds like this program, which is well developed, well thought out, and can be tailored to so many different departments, is something that is valuable.

And with additional Federal funding, I am hoping to see it in departments across the country.

Thank you, Madam Chair. I yield back.

Ms. NORTON. I thank the gentleman for his questions.

And now I recognize Mr. Stauber.

Mr. STAUBER. Thank you, Madam Chair.

I would like to echo my colleagues' frustration with this hearing and their sentiments highlighting our lack of jurisdiction in many of these issue areas.

Additionally, it is more frustrating that we are foregoing important time to discuss legitimate transportation issues to discuss a topic that we have a solution for.

The solution is the JUSTICE Act that I introduced last Congress and again earlier this month. The bill has received bipartisan support and will improve community policing standards that have been discussed during this hearing.

It is more ironic and frustrating that the bipartisan JUSTICE Act was held up by Speaker Pelosi last Congress for purely political reasons.

As Americans called out for justice and action, Speaker Pelosi took the partisan route instead of aiming for change. The cheap political win reared its ugly head again even when it came to something like improving our policing and community safety.

Unfortunately, despite our fellow Americans' calls for action, it sounds like partisanship is the path that will be taken once again.

I do appreciate many of my colleagues' sentiments during this hearing, both Democrats and Republicans. Many of my Republican colleagues have already joined my bill as cosponsors.

But I would like to formally extend the offer to my friends on the other side of the aisle.

It sounds like all of our intentions to improve our communities are legitimate and thoughtful, and we have the solution to improve our policing, and that is the JUSTICE Act.

To my colleagues on the other side of the aisle, I have a cosponsor sheet with me today and would love if any of my Democratic colleagues would like to come on over or I can come to you to sign this piece of legislation and help institute real bipartisan change in our communities. I have a couple of clean pens as well to sign onto that bill.

My question to any of the panelists, and by the way, I thank you so much for coming today. My 23 years of law enforcement in the third largest city in Minnesota, the city of Duluth, has served me well in this position.

My question is: can any of the panelists give me their definition of community policing?

Mr. RAY. I mean, I have no—

Ms. NORTON. Who is your question for?

Mr. STAUBER. Madam Chair, any of the panelists that would like to answer that.

Can anyone give me their definition of community policing?

Mr. RAY. Yes, I have no problem jumping in on his question.

I have examined law enforcement for over a decade, and I mentioned before that I have law enforcement in my family.

Community policing is not just about, say, playing basketball with a kid or patrolling a neighborhood, but instead it is about being affiliated with that neighborhood. It is about being a part of that neighborhood. It is about experiencing that neighborhood, sending your kids to that neighborhood, sending your kids to the school, working out at the gym.

And oftentimes we see this in more affluent neighborhoods. Oftentimes they might be predominantly White, but we are less likely to see that in low-income communities that tend to be more communities of color.

So I think part of what a lot of people want in the research that we have conducted at LASSR suggests that people want similar sorts of relationships with law enforcement that they see people in other neighborhoods having.

And I think when we talk about community policing, it is also giving law enforcement certain resources to be in those communities. There is a large study documenting that at some of the largest cities around the country, their police officers, similar to teachers, cannot afford to live there.

And so we need to ensure that there are certain incentives to help them to be in those spaces to experience the community.

The other thing we are seeing—

Ms. NORTON. Mr. Stauber—

Mr. RAY [continuing]. Is that minority officers are more likely to live in the community. White officers are not.

Mr. STAUBER. Have you read the JUSTICE Act?

Mr. RAY. Yes, I have, thoroughly. That is one of the things that I do as a policy analyst, yes, sir.

Mr. STAUBER. Perfect. And what you just said supports the JUSTICE Act.

So to the witnesses and my colleagues on both sides of the aisle, there is a real simple definition of community policing. Community policing is you do not police your community. You police with your community. It will bring lasting, trusting, long-term relations and help that community and help the officers serve the community, and the community benefits.

It is a mutually beneficial way to police, and I think we have lost the community policing concept. We have to get it back.

And I really, really appreciate your comments, and I appreciate your reading the JUSTICE Act because you told me you did read the JUSTICE Act. Then I believe you support the JUSTICE Act.

It has tremendous legislation that needed changes even before you were in law enforcement.

Madam Chair, I yield back.

Ms. NORTON. The gentleman's time has expired.

I appreciate his questions.

Mr. Pappas. You are recognized, Mr. Pappas.

[No response.]

Ms. NORTON. Mr. Lamb. Mr. Lamb, you are recognized.

[No response.]

Ms. NORTON. Mr. Auchincloss, you are recognized.

[No response.]

Ms. NORTON. Mrs. Napolitano, you are recognized.

Mrs. NAPOLITANO. Chair, I do not know. I had to leave the meeting for a few minutes so I am not sure if this was covered before, but I am concerned about the test for marijuana by law enforcement officers.

Do they have an effective test to be able to determine if there is impairment of anything, including marijuana?

Anybody?

Ms. MARTIN. Ma'am, I could take that.

As I mentioned before, there is a lot of research going on right now with how best to understand if a driver is impaired by marijuana. It is not the same as alcohol where you can test somebody's blood.

I am not a medical professional, but I have been told that marijuana is in your fat cells and not your blood, and it can stay in your body for a long time.

So this is a challenging one, and it is one that we do need to get our hands around as more and more States do legalize it, and we know that there is an increased usage of it by folks that are behind the wheel.

So right now, the most important thing is for us to understand if someone is impaired, and drug recognition experts, people trained to understand that, is probably our best weapon until we understand how we can have some technology to help us.

Mrs. NAPOLITANO. Anybody else?

The question about the car being outfitted like Volvo for drug impairment recognition, how far are we on that research with cars?

And can we impose upon the carmakers the importance of having [interruption to audio]?

Ms. MARTIN. I can take that one as well. We are fairly along, as we heard from the representative from MADD, Ms. Hawkins. There is technology to know whether or not a driver is impaired by alcohol, and if they are over the blood alcohol level that our States demand, either a .05 or .08, that does exist today, and it has been used successfully in automobiles.

So there is an opportunity to have a message and have a position on whether or not we want those in our vehicles today.

Other forms of impairment, including distracted driving and some of the other things that cause a driver to not be on their par, those are challenging, too, but there are some technologies with cameras that some police use, and it is really worth us focusing on the technology and figuring out how we can get them into our vehicles, both commercial and residential, as soon as viable.

Mrs. NAPOLITANO. [Inaudible] how far along they are in implementing them in all cars and all buses and all trucks.

How do we ensure that law enforcement is not using traffic safety as a tool for immigration enforcement and neglecting the purpose of preventing fatal traffic accidents?

Mr. Sandigo?

Mr. SANDIGO. I am sorry, Congresswoman. Could you repeat the question?

Mrs. NAPOLITANO. Well, we have law enforcement using traffic safety for immigration purposes. How do we ensure that law enforcement is not using traffic safety as a tool for immigration en-

forcement and neglecting the purpose of preventing fatal traffic accidents?

Mr. SANDIGO. Congresswoman, thank you for the question.

I think what is important is that State and local law enforcement agencies focus on what they do best, and so when they focus on increasing transportation safety, when they focus on enforcing State and local law, then that is what makes the community safer because that is what they are experts on. That is what they do well.

Mr. BARONE. If I can also chime in, what we have consistently found in Connecticut and other States we have worked in is that when traffic enforcement, when law enforcement used the traffic code to primarily focus on the safety of the roadways, not only is the safety of the roadways improved, but we see decreased racial and ethnic disparities.

When traffic enforcement is started to be used as a crime reduction tool, when it starts to be used as an immigration tool, not only does it drive up racial and ethnic disparities, it also reduces trust and legitimacy in police, and it impacts the safety of the roadways because attention, time, and resources are being taken away from those stops that we know cause accidents and deaths.

Mrs. NAPOLITANO. But we do not punish any law enforcement agencies, not just the police officers—the agencies—for not following the law. How do we go about that?

Mr. BARONE. I do not have a comment on that. I mostly focus on the data. I know in Connecticut we have outlawed the type of policing practice that you are speaking about, and we have good success in that here in Connecticut.

Ms. NORTON. The gentlewoman's time has expired. I thank her for her questions.

Mr. Balderson?

[No response.]

Ms. NORTON. Mrs. Steel?

Mrs. STEEL. Thank you, Madam Chair and our ranking member. And thank you to the witnesses here.

We all agree and support the National Highway Traffic Safety Administration's mission to save lives, prevent injuries, and reduce vehicle-related crashes.

I know everyone on this committee supports improving traffic safety and also recognizes the importance of an equal enforcement of our laws. We can all agree that discrimination is anti-American and goes against everything this Nation stands for.

When I was chairwoman of the Orange County Board of Supervisors, I created a Law Enforcement Appreciation Day. In Congress I remain committed to supporting our heroes. Any attempt to defund the local law enforcement will only lead to a surge in crime and unsafe communities.

We must make sure that we are safe, and we must ensure that there is more training and community policing.

I welcome a discussion about traffic safety and am proud to have worked with the district attorney in Orange County to highlight the dangers of impaired driving.

However, the National Highway Traffic Safety Administration has no authority over the enforcement of traffic safety laws. So I

am concerned that our hearing today focuses on law enforcement instead of safe roads.

In Orange County, traffic and congestion are some of the biggest hurdles of our daily commuters. We all support safe roads, highway improvements, and vehicle modernization.

On that note, I have one question for Ms. Martin. Besides California, how are States and cities working to reduce congestion?

What improvements need to be made to ensure there are fewer distracted drivers on the road?

Ms. MARTIN. Thank you for that question, ma'am, and I will take the first one on congestion.

And road design is so important to understanding how you are using your roadways today and what kind of congestion you have, whether that is cars or pedestrians, as we have heard before, who are also at risk on our roadways.

So one of the most important things is to understand where those congestion issues are, where your fatalities and injuries are, and then to partner with both your communities and your transportation engineers to see if there are some things that you can do to design those roads to be less congested and less deadly basically.

And there are simple things that can be done in many communities that can reduce fatality rates. Some of them are in my written testimony, but just simple things like rotaries and whatnot that require people to slow down and can create a more safe intersection. So it is really important.

The other thing is public transportation. Buses are one of our safest transportation methodologies right now in some of our urban areas, and making sure that those are safe and available to folks that feel comfortable using them and that they can access them easily with covered bus stops and other kinds of mechanisms to make sure that getting from their home to the bus stop is safe. Sidewalks, as I mentioned before.

So some of those fundamentals are really important to addressing safety and congestion-related issues.

When we think about distracted driving, we would really propose that there be some primary enforcement rules, and I know several folks here on the committee have endorsed legislation to say that drivers basically can be pulled over for distracted driving activities, whether it is cell phone usage or other kinds of operations in the vehicle.

Those are really strong enforcements. We have talked about enforcement here a lot. It is an important tool to getting safety on our roadways, whether it is law enforcement officers or other alternatives. Enforcement is one way we change human behavior.

And distracted driving is on the increase for all the reasons we heard in the opening testimonies, with technologies in cars, and it is really important that we address that with some legislation.

Mrs. STEEL. Thank you, Ms. Martin.

Thank you, Madam Chair and Ranking Member, I yield the balance of my time.

Ms. NORTON. I thank the gentlewoman for her questions.

I next call on Mr. Balderson for 5 minutes.

Mr. BALDERSON. Thank you, Madam Chair.

And thank you very much for being here.



My question is for Ms. Ramsey Hawkins and Ms. Martin.

But first, I would like to thank Ms. Ramsey Hawkins for sharing your story with us today.

Last Congress I introduced the Drug-Impaired Driving Education Act with my colleague, Congresswoman Kathleen Rice of New York. This bill would establish an annual \$5 million grant program for States to educate the public on the dangers of drug-impaired driving.

I am proud that this bill was endorsed by both the National Safety Council and Mothers Against Drunk Driving, and I look forward to working with Congresswoman Rice and your organizations to continue this effort and reintroduce this bill in the 117th Congress.

Ms. Martin, you note in your testimony that alcohol, marijuana, and opioid prevalence increased among seriously and fatally injured road users during the second quarter of 2020 as compared to the months before the public health emergency.

I know my friend from Illinois, the ranking member of this subcommittee, touched on drug-impaired driving earlier, but I was hoping you and Ms. Ramsey Hawkins could spend a few minutes discussing the importance of public education campaigns on drug-impaired driving and the efforts your organizations have taken to reduce drug-impaired driving on our roadways.

Ms. MARTIN. Yes, thank you for that question. This is so important.

As I mentioned before, every day almost 30 people die on our roadways based on impaired and specifically alcohol-related crashes.

It is so important that we educate on what it means to be impaired behind the wheel and specifically related around alcohol.

Some of the things that we can do are the campaigns that we have had in the past and doubling down on those. During the pandemic, we have seen increased use of all kinds of substances, and we are not here to talk about opioids and other kinds of substance use disorders, but anxiety, mental health, all of these things often get exacerbated, and they are complementary, unfortunately, in causing people to be impaired, and alcohol is certainly one of those.

All of those statistics regarding the residents of our Nation right now are climbing, and it is alarming because many of those folks, unfortunately, do get behind the wheel when they are under those kinds of stresses.

So it is really important for us to get back to basics. That is educating; that is enforcement and some of the technology that we talked about before.

Only one State in our Union here has gone to .05 for a blood alcohol level. That is one we support. Other states and other nations around the world have much more stringent requirements around that, and it is something that we could do fairly easily in our Nation, and it would have drastic positive impacts for us.

Mr. BALDERSON. OK. I do have one followup for you. Can you discuss, and you have talked a little bit about this, but can you discuss the challenges or differences of educating the public on the dangers of drug-impaired driving, especially relating to the opioids and marijuana versus driving under the influence of alcohol?

Ms. MARTIN. Yes, thank you.

Our Nation has really addressed the alcohol-related driving issue for decades, and that is wonderful because we have made progress, nowhere near enough as we just heard from the opening testimony from Ms. Hawkins.

No life should be lost on our roadway at all, for any reason, and certainly not because of an impaired driver. There are a lot of folks that are under misinformation that cannabis is not impairing or that you can drive better when you're under the influence of cannabis.

So education campaigns are really desperately needed right now, especially as States start to legalize more across our Nation.

The same goes for other substances, as you referenced, whether it is opioids, and those are impairing. It is why it says on the bottle, you know, do not operate heavy equipment. A car is heavy equipment.

And we need to educate both in the general public and I would call on employers as a great place because many of their employees drive on their behalf, and roadway-related or vehicle-related fatalities is still the number one killer in our employment.

So it is important to get their voice in this, that it is not just alcohol. Any substance that causes you not to be on par or even fatigue, which is not a substance but you are not on par, it means you should not be operating in a safety sensitive operation, and a car is one of those.

Mr. BALDERSON. Thank you very much, and I appreciate your answers.

Madam Chair, I yield back.

Ms. NORTON. I thank the gentleman for his questions.

I next call on Miss González-Colón.

Miss GONZÁLEZ-COLÓN. Thank you, Madam Chair.

I have got a question to Ms. Lorraine Martin.

Ms. Martin, I was [interruption to audio] and can you hear me?

Ms. MARTIN. Yes.

Miss GONZÁLEZ-COLÓN. OK. I do not know if you are aware. Puerto Rico has 3.2 million American citizens living there, and there are another 8,000 people living in the other four Territories.

I think by excluding these 400,000 people we cannot have a road to zero if we do not have an accurate representation for all Americans with meaningful and complete data.

So my first question to you is to actually ask you to include Puerto Rico and the other Territories in the data you collect for annual traffic deaths. That for me is the most important.

The second, I do not know if you are aware that in Puerto Rico if you are more than 6 months behind or \$2,500 behind in your child support, you can lose your license issued by your State.

And my question would be do you think this should be an issue that Congress should resolve or that it should be left to the State to resolve?

Ms. MARTIN. Well, thank you for that last one, and it is very much an important issue that we have weighed in on, this issue that you can use somebody's license and their ability to drive as something that you can have as a penalty for other nonroadway, nonrisky driving behavior remediation.

We do not support that. We do think a license removal should be associated with driving-related incidences, not things like alimony or any other kind of action that a State or locality might be concerned with you on. Your license should not be the thing that we use.

The simple fact is it often exacerbates whatever the problem is you are trying to solve. If somebody cannot pay a fine, you know, and now you are taking their car away, they perhaps cannot get to work or cannot get to their healthcare or get to the grocery store for their family, and so it actually increases the inequities that we are trying to address here.

And we strongly support the Drive for Opportunity Act that would say that license removal really should only be done for unsafe driving-related practices.

Miss GONZÁLEZ-COLÓN. So how can these people who have not paid civil fines be incentivized to pay current fees other than to lose those privileges specifically?

Ms. MARTIN. Yes, I am not sure I am the best person to answer that question, ma'am, on how to incentivize someone to pay a fee, but we strongly, strongly recommend that it not be the removal of their license.

There has got to be other ways to assist one of our residents in our country of addressing those issues.

Miss GONZÁLEZ-COLÓN. You said in your testimony—

Ms. NORTON. The gentlelady's time has expired.

Miss GONZÁLEZ-COLÓN. OK.

Ms. NORTON. I now call on Mr. Burchett.

Mr. BURCHETT. Thank you, Chairlady. It is Burchett, but I appreciate the good effort on my name. Thank you.

Ms. Hawkins, I am a parent, as you are, and I got started a little later, but my heart goes out to you, and I cannot tell you how much that hurts me that you have lost a loved one. I could never, never experience anything like that, and I hope I never do, and thank you so much for the courage to be here, ma'am.

Dr. Ray, thank you for the testimony on the innovative use of virtual reality technology. I would like to know who pays for your training. Is it the Department of Justice?

Mr. RAY. No, sir. So we have grants that we receive, like any other research that we would do. So I mean, it has been various outlets over the years. We have had some local police departments that have paid for the trainings that they have gone through.

We have gotten grants from nonprofits. So it has kind of been a hodgepodge of things, which is similar to what happens in the academic space.

Mr. BURCHETT. Say that again. It is similar to the academic what?

Mr. RAY. Just similar to how academics aim to get grant money. So it has been a series of entities, but it has not been the Department of Justice.

Mr. BURCHETT. OK. Ms. Martin, are you concerned at all that your testimony recommends spending limited traffic safety funding on programs that do not have direct linkages to traffic safety?

Ms. MARTIN. I am not clear which ones those would be, sir. I would say that our focus is on all of the different or a kaleidoscope

of things we need to do to help our residents be safe, and those would be across what we call the four E's, and that is education, enforcement, which we have talked a lot about here today, and then engineering, technology, how we design our streets.

All of those go into making sure that we have safe transportation for all of our residents, not just for a few.

And on top of that we would then say the fourth E is going to be equity in making sure that we do enforcement, education, and engineering with the communities in mind that we are serving and understanding what their current risks are on our roadways.

Mr. BURCHETT. OK. Chairlady, I will yield back the remainder of my time. Thank you.

Ms. NORTON. I thank the gentleman for his questions.

I next recognize Mr. Auchincloss.

Mr. AUCHINCLOSS. Thank you, Madam Chair.

And thank you to our witnesses for being here today and for their commitment to equity in transportation safety enforcement.

Ms. Martin, I would like to direct this line of inquiry to you.

You mentioned in your testimony that people of color, older adults, low-income communities are underrepresented in the investments made in transportation improvements, and you also highlighted at the latter portion of your written testimony the importance of infrastructure investments and how we engineer safe streets.

Could you speak for a minute or two about what role dedicated bus lanes play in improving safety, especially in high poverty communities?

Ms. MARTIN. Yes.

Mr. AUCHINCLOSS. Go ahead.

Ms. MARTIN. Yes, dedicated bus lanes really do help to reduce traffic congestion, as I mentioned to the Congresswoman just a moment ago, but also to create the ability for the safest mode of operation to be used within many of our communities, and that is bus-ing.

We need to make sure that those bus access points are safe as well with some kind of shelters, and as I mentioned, we need to make sure wherever people are coming to, coming from to get to their bus stops, is that it is safe for them to traverse because they are most likely going to be on foot if they are taking a bus.

So we need to look at the sidewalks, the infrastructure, making sure they are not having to pass highways to get to their bus stops, which in some communities they do.

So it is really getting in touch with the community, understanding how they are going to use that public transportation, and making sure it is safe for them to do so.

Mr. AUCHINCLOSS. Many of these decisions that you are describing about bus safety are local or State-level decisions. Could you address what role the Federal Government might have in incentivizing better decisionmaking that is informed by data about what we know works both in the United States and also in cities around the world, especially in Europe and Asia that have really effective bus lanes?

Ms. MARTIN. They do. Some of the grant programs we have heard about here today with section 1906 and other programs

under NHTSA that highlight where we know there are proven success stories, what we know works, and then providing Federal funds to help States with implementing those programs.

I mean that is a very powerful tool. We have heard some testimonials here from Connecticut and other places where they have used those fundings, and I would endorse an increased funding specifically on the areas where we know best practices around the world have saved lives.

Mr. AUCHINCLOSS. Many of these best practices around the world are focused on bus rapid transit, which has a pretty tightly defined scope. It has high population density. It has got 90-second headways. It has got on-platform or on-level platform boarding, off-board ticketing.

Could you speak to which of those elements—in many areas, especially in my district, bus rapid transit in totality may not work right off the bat, but there could be elements of that that you could implement.

Could you speak to maybe the most effective element of bus rapid transit that could be put together piece by piece for incremental improvements?

Ms. MARTIN. Yes. It is probably best for me to get back to you on that one with some details. As I talked about here, I think the lanes are really important, as is the actual shelters or the access point to the bus that has become in some cases a high safety risk.

So if I can take that for the record, I will get back to you with some additional information.

Mr. AUCHINCLOSS. Absolutely. My office would welcome the opportunity to work with you on this.

I want to raise one other modality, which is micromobility and protected bicycle lanes.

And both in the public sector and in the private sector, as a city councilor, as a product manager in an innovation lab for an insurance company, I saw how effective micromobility lanes can be. Oftentimes putting in protective infrastructure though takes a backseat in transportation safety improvements, and it oftentimes requires taking away parking spots in cities and towns, which can be very unpopular.

Can you speak to any research that you have seen or data that supports or does not support the idea that micromobility, protected micromobility lanes both enhance access to jobs and services and also increase safety for mobility?

Ms. MARTIN. Yes, they do both, sir, and we do have research that shows that.

And we are seeing more and more pedestrian fatalities, which we already noted in this hearing. So it is a place that we need to make sure that if more and more folks are using other mobilities, other forms of mobility, micromobility, whether it is scooters or bicycles or their own two feet, that they have to be able to do that safely.

And the death rates are up, and we know the usage is up. So we would say that there are things that you can do to design your roadways with dedicated bike lanes, making sure you have sidewalks, understanding what the safety of scooters needs to be since that is kind of still evolving for us. All of those will help with mobility and help with safety at the same time.

Mr. AUCHINCLOSS. Similar followups, is there a particular area where you think the Federal Government could be especially impactful in inducing States and cities to put in protective micro-mobility infrastructure?

Ms. MARTIN. Well, the legislation called Complete Streets that was introduced last Congress, we would highly support that, and it is a great place to look.

Mr. AUCHINCLOSS. And introduced, I believe by my home State Senator, Mr. Ed Markey, which I strongly support.

Thank you, Ms. Martin, for your time, and I yield back the balance.

Ms. NORTON. I thank the gentleman for his questions.

Now I am going back to Miss González-Colón because the timer had stopped working, and I believe she had not finished her questions.

I apologize. Miss González-Colón, you can proceed with your questions.

Miss GONZÁLEZ-COLÓN. Thank you, Madam Chair.

I was surprised that my time was expired when I was less than 2 minutes. And thank you for going back.

I was making a question directly to Ms. Martin, and I will go back now.

I was actually going through her testimony saying that she was discussing the benefits of automated enforcement as an evidence-based countermeasure to change driver behavior.

However, States, such as Iowa, where this is acknowledged as a civil penalty without reporting tickets to law enforcement, and it is a means to generate revenue. Thirteen million photos were taken by a specific traffic camera, and 130,000 individuals were ticketed solely by 1 traffic camera dubbed as a revenue camera.

However, there are other States who treat these fines as a criminal charge, allowing individuals to challenge these tickets in court, and we can see examples of this in different States.

My question will be what is the best way to address these cameras to elicit behavioral change rather than just raising revenue.

Ms. MARTIN. Yes, thank you.

And as I mentioned earlier, we do support automated enforcement because if it is used appropriately, it can help you not only achieve better behavior on your roadways because people do change their behavior if they know there is a camera that might catch them speeding or going through a red light. So they do relate to safety.

But they have to be done fairly, equitably, and as I mentioned before, they should only be done to increase safety, not for revenue purposes, not for any other kind of, you know, actions that a municipality may be taking with their residents.

It should be for safety and safety alone. We have a checklist that we give to jurisdictions, and I would be happy to provide it to you and others that helps you make those decisions, and clearly, these cameras should be put in places where you know you have your highest fatalities, where you have your highest speeders, not just in a community because you would like to increase enforcement there.

Miss GONZÁLEZ-COLÓN. And how would situations like this affect reciprocity for other means, such as tolling?

Ms. MARTIN. I am sorry. The question, ma'am, please?

Miss GONZÁLEZ-COLÓN. I mean situations like that will affect reciprocity for other means, such as tolling?

Ms. MARTIN. Oh, tolling?

Miss GONZÁLEZ-COLÓN. Yes.

Ms. MARTIN. Yes. You know, I am not sure I have looked at that issue. I will have to get back to you on that, the connection between automated enforcement and tolling. Let me take that for the record as well, please.

Miss GONZÁLEZ-COLÓN. Thank you.

And the last one, the last question will be to Mr. Sandigo.

My question, and I heard the question Ms. Brownley was making to you and I was a little bit shocked as well.

The Community Advisory Board came up with recommendations to improve racial disparities in traffic stops, right? Including stop lengths, search rates, citation rates, arrest rates, seizures rates, and the initial reason for stopping drivers.

How did that information change behaviors?

Mr. SANDIGO. Thank you so much for the question.

And I do want to clarify that the court ordered those reforms. The Community Advisory Board was instrumental in communicating that to the community and getting their feedback on it.

I think what it allowed everyone to see and to know is where actually the disparities were happening. Was it happening on who they were choosing to stop? Was it happening on the length of the stop or who was being arrested?

And so the fact that it looked at different factors allowed the agency to zero in on where the reform needed to happen.

They also looked at whether it was an individual outlier or whether it was a matter of policy that needed to be addressed in order to implement reform in those areas.

Miss GONZÁLEZ-COLÓN. Thank you, Mr. Sandigo.

I know that my time is going to expire now. I will just submit a final question. Will it be helpful if we include language here in the forthcoming surface transportation bill that makes funding either for programs more accessible than just seven States that can actually get access to the BAC test and do the 24/7 program and, you know, the blood alcohol counting, you know, those kind of programs?

I do not know if we need to include that in the surface test. I do not know if somebody would want to add those comments for the record.

I know my time expired. So I want to thank the chairwoman for allowing me to have my time back.

Thank you. I yield.

Ms. NORTON. I am pleased the gentlelady could pick up on her time.

As I am hearing this testimony, I am beginning to wonder if, for example—and we heard testimony earlier—that Blacks were stopped as often as Whites, and I wondered if this is because stops were in Black neighborhoods, in Black communities as opposed to stops of Blacks in communities that are White.

That is something I will want to find out as a result of this hearing.

Next I want to call on Ms. Strickland.

I am going to go next while we wait—sorry?

Ms. Strickland, would you unmute? Ms. Strickland, you are muted.

Ms. STRICKLAND. Can you hear me now?

Ms. NORTON. I can.

Ms. STRICKLAND. All right. Sorry about that. Here we are.

Thank you, Madam Chair and Ranking Member Davis.

Traffic safety enforcement is top of mind for many of my constituents at home, and not only does this testimony presented clearly lay out the disparities that exist nationwide, but its disastrous effects makes our lives unsafe when we drive.

And back in Washington State, for example, there are legislative proposals being offered to combat the cycle of poverty that actually results from traffic enforcement. So this is a very timely hearing, and I appreciate all the comments.

We talk about the importance of traffic stops and collecting data, and this is what this is about, and the grants that Congress can authorize to help States. It is worth noting that a number of third-party studies attest to the same results.

A study led by Stanford University found that Black and Hispanic drivers get pulled over more than White drivers, except at night when officers have difficulty seeing drivers' faces.

A San Diego State University study attested the same, as did a study at the University of South Carolina.

So this is for Mr. Barone.

From your experience, sir, what real-world differences can happen when States themselves maintain and make publicly available statistical information on each motor vehicle stop made by law enforcement?

And how can the Federal Government better support our States by making these efforts to reduce racial bias in policing?

Thank you.

Mr. BARONE. Thank you, Representative, for the question and a very important question at that.

Transparency is key to legitimacy in policing, and it is the first step to rebuilding trust in law enforcement and the communities they serve.

Beyond that, simply sharing data is step 1. Step 2 is having the people that know what that data says to sit down with community stakeholders and law enforcement and figure out why the data looks the way it does.

I will tell you from our experience here in Connecticut, we have 107 police agencies. Every year we get our annual report. Starting in 2014, we saw significant racial and ethnic statewide disparities, and we would identify a group of departments that were really contributing to that disparity more so than others.

We began to work with them, to have interventions with them, to figure out what are the factors driving these disparities and getting departments to make changes.

The most recent report that we have published has shown a significant decrease over the last 6 years in statewide racial and eth-



nic disparities. Why? Because we have had time to intervene in 28 of our 107 departments, all 28 departments doing a little something to reduce the disparity in their department, which has contributed to an overall reduction in the statewide basis.

So people often think this can be done overnight. There needs to be vigilance. There needs to be continued collection, continued analysis, and continued conversation.

I know sometimes people do not want to hear this, but slow and steady wins the race. We have been at this thoughtfully and methodically in Connecticut for almost a decade now, and our work is finally paying off.

The longer we wait, the longer it will pay off in other States, and the section 1906 program is a great place to start for the Federal Government to be able to support this type of State-level work.

Ms. STRICKLAND. Great. Well, thank you for that.

And to be clear, our witnesses testified today, this is a safety issue. This is about safety, and when there is not equity in enforcement, there is one less officer getting an unsafe driver off the roads to protect all of us.

So now for Ms. Hawkins or Mr. Barone or Mr. Ray, based on your research experience, how can addressing this issue of bias with data, with collecting it, with reporting and analyzing it actually improve our roadway safety?

Mr. BARONE. I will start and just say that we know; we now have lots of data that tells us when police focus on the things that have the biggest contribution to accidents, speeding, traveling too closely, talking on their cell phone, drinking and driving, we see very little racial and ethnic disparities in the data because they are focused on the violation.

When policing starts to use traffic laws as a crime reduction tool, it tends to drive disparities.

We also know that drivers commit motor vehicle violations at the same rate regardless of their race, and police will find what they are looking for where they look for it, but we know that they look for different violations in Black and Brown communities than they do in White communities.

And in some regards we have created this self-fulfilling prophecy, this idea that Black and Brown drivers are more likely to have an administrative offense, and somehow that is linked to poverty.

But we know that police run, for example, plates in Black and Brown communities at a significantly higher rate than they do in White communities to look for these administrative offenses.

So the knowledge that this program has been able to do is to inform that, to start asking questions: why are you running plates here and not here? Right?

Why are you doing speed enforcement here and not here, and how is that linked to traffic safety?

And so all of this can come together, and as I continue to say, we can create win-win scenarios. We can improve traffic safety and eliminate racial disparities.

Ms. STRICKLAND. All right. Well, thank you, Madam Chairwoman. I yield back.

Ms. NORTON. I thank the gentlelady for her questions. Mr. Cohen, I recognize Mr. Cohen at this time.

Mr. COHEN. Thank you. Thank you, Chair Norton. I want to thank you for holding this hearing and particularly on this Black History Month, when it is so important and most pertinent, as you mentioned in your opening remarks.

Disparities in the criminal justice system, particularly police enforcement, have been a major source of political protest and social unrest in our country and rightfully so. There are too many instances where a routine traffic stop has turned into a tragic loss of life.

Researchers confirm law enforcement officers pull over minority drivers at a higher rate than Caucasian drivers. My city of Memphis, which is 65½ percent African American and has a large Hispanic population as well, this is a particularly disturbing statistic.

The racial profiling of drivers by law enforcement sows divisions and distrust and ultimately distracts from the intended goal to save lives, prevent injuries, and reduce vehicle-related crashes on our Nation's roadways for all individuals.

We must do better, and we can improve and get away from this unconstitutional racial profiling. My Police Training and Independent Review Act, which will be part of the George Floyd Justice in Policing Act, provides resources for diversity training for law enforcement agencies. It is important they have those diversity trainings.

This committee is engaged in this important work, and it includes provisions in the bills to address this issue, including creating grant programs for universities to conduct implicit bias research, reauthorizing section 1906 programs, which gives funding to the States to collect and analyze traffic stop data, and prevent racial profiling.

I appreciate the witnesses' testimony and the insight that they have provided.

Mr. Barone, let me ask you this question. Your findings state that Black and Hispanic drivers are stopped more frequently by law enforcement for vehicle equipment and administrative-related driving offenses despite there being no evidence that Black and Hispanic drivers commit these offenses more often than White drivers.

Based on your experience working with law enforcement agencies, have you found officers believe vehicle-related violations correlate to dangerous driving behaviors or are they just an excuse to stop somebody who they might be able to make a collar on?

Mr. BARONE. I have found that in some regards, Representative, that in law enforcement we have created self-fulfilling prophecies, right?

So this idea that there is a connection between socioeconomic status and the maintenance of the equipment of your vehicle or administrative offenses, and therefore, when police are asked to go, in Connecticut for example, to ensure that vehicles are properly registered, they tend to go look for those violations where their implicit bias tells them they think they are more likely to find them.

And when they run plates, for example, and they find unregistered vehicles, it then reaffirms what they previously believed.

Yet we know if the same exposure was made, police running plates, for example, in predominantly White neighborhoods, we

know that they would find administrative offenses at the same rate.

And so, frankly, the conversations we have had with law enforcement have been informative to them as well, them realizing that the correlations that they thought existed do not necessarily exist. We have worked to help them to say what is the issue that you are trying to address.

You are trying to address unregistered vehicles on your roads. Let's figure out the most fair and equitable way for law enforcement to look for those violations that you are trying to address.

Mr. COHEN. Thank you, Mr. Barone. I think my time is kind of winding down. I am not sure.

But I wanted to ask Ms. Martin. You addressed the issue of people of color in low-income communities being overrepresented pedestrian fatalities and underrepresented investments in their infrastructure.

Mr. Auchincloss mentioned that Senator Markey, who at one time was a Member of the House before he moved over to the other body with lesser number of Members, he is the sponsor of the bill, which I am the sponsor of the one in the House which is our Safe Streets Act.

Are you familiar with the Safe Streets Act, Ms. Martin?

Ms. MARTIN. I am, and we fully support it at the National Safety Council.

Mr. COHEN. What would be the areas you think we should prioritize in our legislation in the Safe Streets Act to see to it that racial misrepresentation and racial bias is eliminated?

Ms. MARTIN. Yes, I think the most important thing, like we have said throughout this, is to get the data and to understand where fatalities and injuries are occurring, and then to make sure we understand with the community support how roadways and infrastructure are being used and then understand what kind of infrastructure enhancements, modifications can specifically address those hazardous areas.

And we do not necessarily do that today. We often "peanut butter" investments across various communities. We do not necessarily use the data of fatalities and injuries to make our investment decisions.

But it is really important that we do that because all of the data shows in the places that we do have it that peoples of color and minority communities have higher fatalities, have higher injuries. That is where we should be spending our money, and that is where we should be putting our infrastructure dollars.

Mr. COHEN. Thank you, Ms. Martin.

We hope to pass that bill this year. There is always less money put in the minority communities, sidewalks, shrubbery, different things, medians that can make the streets more attractive but also safer, and that is the purpose of the bill.

And with that, it is nice to see Mr. Sandigo on here with his colorful background, and I yield back the balance of my time.

Ms. NORTON. The gentleman's time has expired, and I thank Mr. Cohen for his questions.

Ms. Bourdeaux. Ms. Bourdeaux, you have 5 minutes.

Ms. Bourdeaux, I believe you are muted. Ms. Bourdeaux, will you unmute yourself?

[No response.]

Ms. NORTON. I think Ms. Bourdeaux is having audio issues. So I am moving on, hoping she can fix those.

I am moving on now to Mr. DeSaulnier.

Mr. DESAULNIER. Thank you, Madam Chair.

And it is good to see my colleague from Tennessee as well, Mr. Cohen.

And just a brief comment. I think it is really great and I want to thank the panelists, too, that we are having this discussion. Thank you to the chair for having it.

Congressman Lee and I have had a series of townhalls on race, in general, in the last 6 years. We had one last week with Reverend Cleaver, our good friend and colleague from Missouri, and it has just been a wonderful experience. We have regularly over 1,000 people join us with those townhalls.

And I think when we have these discussions about race in America, as we are today, on these transportation issues, on law enforcement when they are open and honest and evidence-based research, it is quite liberating, at least the feedback I have gotten and Congressman Lee, on our initiative.

So specifically, Mr. Barone, I want to thank you for your work, but also your passion for your work. You reference in your testimony, some research you did in New Haven, Connecticut, in a predominantly African-American community where traffic stops were accelerated, and your findings were compelling as to the efficacy of that enforcement.

I want to ask you when you share it with the local police department, these statistics, what happened to that information? Was it well received?

Did it lead to any kind of policy changes specifically in that neighborhood?

Mr. BARONE. Thank you for the question.

The work that we have done in Connecticut, a component of it has been to engage in the community in a dialogue about what policing looks like and what it should look like, but one that is informed based on the data.

And so in the example I provided in my testimony, it was a predominantly White suburban community that bordered the city of New Haven that was focusing a lot of attention in a predominantly Black neighborhood within the community that also bordered the city, which is also predominantly Black and Hispanic.

And the policing looked very different in that neighborhood and in that area than it did elsewhere in town. And the department was fairly open to engaging in a thoughtful dialogue with us about what was driving the disparities, why they believed those disparities existed, and we took a long time working with the department to drill down on that.

So they would say, for example, "We placed more cops in this area because we have more crime here."

OK. And so we would go back and look at that, and then we would say, "Well, let's figure out what your police are doing and

how that is helping to impact or reduce crime, and is that causing a disparity? And if it is, what can we do to address that?"

We were happy to report that because of the changes that we made and the dialogues that we had with the department and their willingness to engage in this dialogue with the community, it was not very long before their racial and ethnic disparity disappeared. Community trust increased. Legitimacy in policing increased, and that was largely driven by their willingness to engage in this level of a thoughtful discussion.

And we really took that model. That was early on. We started bringing that type of collaboration to the other agencies we worked with.

In addition to working directly with departments, we also host several forums with the community and the police department and the stakeholders in the basement of church halls and in townhall auditoriums to engage in this important dialogue, and that is a really important component of the work we do.

Mr. DESAULNIER. Just to follow up on that, having been a mayor of a city of 130,000 people here in the bay area that is diverse and was diverse then, I think back of community-oriented policing 25, 30 years ago, and these cultural changes, and I just wondered as a followup to your comments on how you find in engaging over time in cultures in local police departments that are more open, more based on community-oriented policing.

Has that made a difference as far as you know over the last three decades?

Mr. BARONE. It has, but these have not always been easy conversations to have. I will be honest with you. Usually when we do our initial analysis, we drive down. We meet with the department. We sit across the conference table with them for a few hours, and those first few hours are often a little contentious, right?

Nobody wants to be named in a report that says they might have an issue with race. But usually once we can let the data ground the conversation, we can start to move beyond some of the emotion that is brought to the table, and we can start to really look at what can be done to address the issue.

And a big thing that we push for in our work is to not have it be done in a silo or in a vacuum, but to make sure that we bring communities' stakeholders into the conversation so that usually when law enforcement hears directly from the people they serve, they are a little bit more open to implementing those reforms that we have seen work.

Mr. DESAULNIER. Thanks.

Mr. Ray, just briefly because my time is limited here. Thank you, Madam Chair.

Do you think that we could invest more in training, particularly for virtual training? Will that help?

And do you have any research that would indicate that it would?

Mr. RAY. Yes, sir. Thank you for your question.

Yes, most definitely. I mean more resources for police departments, small, medium, and large, they want our training. With the resources, it will be beneficial, and as Mr. Barone was saying, we can really start to reduce the biases that exist and improve objectivity and equity.

Mr. DESAULNIER. Thank you.

I just want to thank the chair again and all the panelists. This is terrific. Your work is terrific, and I look forward to working with you to deploy more of your efforts.

Thanks a lot. I yield back.

Ms. NORTON. I thank the gentleman for his questions.

And I would like to next call on Ms. Williams.

You have 5 minutes, Ms. Williams.

Ms. WILLIAMS OF GEORGIA. Thank you, Chairwoman Norton and Ranking Member Davis, for convening this hearing today.

So as we have been discussing during this conversation, the most common interaction between law enforcement and the public occurs at a traffic stop. For many Black and Brown people in this country, a traffic stop is not a friendly nor routine encounter, as events can quickly turn deadly.

Ms. Martin, you mentioned alternatives to traditional enforcement, including the safe systems approach. Can you please elaborate on the success of this approach in cities and how it reduces inequities and implicit bias?

Ms. MARTIN. Yes, thank you for that question.

And one of the things that we know fundamentally is that our residents cannot be safe if they do not feel safe, and they need to both feel safe physically and they need to feel safe when they interact with another human being as you have just described in a traffic stop or law enforcement.

We need to make sure that that is an experience that can be navigated appropriately.

That said, there are additional ways of enforcement as you have alluded to, and we have talked about automated enforcement as one of those ways that enables us to catch people with risky behavior without having to have a traffic stop per se and can be done in equitable ways as long as it is done for safety and not for other means.

And also safe systems. Safe systems means we design our roadways so that human beings who make mistakes and who do have risky behavior, that they cannot necessarily do so, and they are reminded like with rumble strips or rotaries, other ways to design our systems so that a traffic stop, a traffic enforcement activity does not have to happen in the first place.

Ms. WILLIAMS OF GEORGIA. Thank you.

And so those are systems that local governments are already utilizing?

Ms. MARTIN. Yes, they are.

Ms. WILLIAMS OF GEORGIA. And so what should Congress consider in future legislation that can implement some of these mechanisms that local municipalities are currently using?

Ms. MARTIN. We talked before about some of the Safe Streets, Complete Streets. Those are going to be helped, that legislation.

The bill that passed the House last year and hopefully will be considered again has some really good safety-related legislation in it that can help all the States if implemented.

And on top of all that, we have talked about the NHTSA grants and making sure that they are focused on the places that can have the highest impact, making sure people use those grants, and mak-

ing sure that they are well funded, and where States do not choose to use the grants, allowing localities or municipalities underneath those States to perhaps also participate where today they cannot.

Ms. WILLIAMS OF GEORGIA. Ms. Martin, also in your testimony you stated that driving-related offenses should be the only cause for license suspension. We know that there is a correlation between poverty and driver's license suspension. While the decision to suspend driver's licenses are done at the State level, what role should Congress play in ensuring that the States do not suspend licenses for nontraffic-related violations?

Ms. MARTIN. Yes, we talked before about the Driving for Opportunity Act that has been proposed, and we fully support that act. It does say that license suspension at State levels should only be done for driver-related offenses and severe, risk-based driver-related offenses.

So I do think legislation could be helpful there, and we fully support that. It should not be something that exacerbates the inequities we have already been talking about here today.

Ms. WILLIAMS OF GEORGIA. Thank you so much, Ms. Martin.

And as we close out Black History Month, it is important that we work together to ensure that transportation is equitable and free of implicit bias. So I appreciate your time today and your comments.

Thank you, Madam Chair, and I yield back the balance of my time.

Ms. NORTON. I thank the gentlewoman for her questions.

And I would like to now go back to Ms. Bourdeaux where we had some technical issues and she did not get to ask her questions.

Mr. Bourdeaux, you are recognized for 5 minutes.

Ms. BOURDEAUX. OK. Can you hear me?

Ms. NORTON. I can hear you now.

Ms. BOURDEAUX. Thank goodness. Thank you, Chairwoman Norton. I appreciate it.

And thank you to all of the witnesses here today to discuss the significant and very timely topic of equity in transportation safety enforcement.

I am glad we are talking about this topic today. We have African-American and Latinx citizens who have been suffering the indignities of racially motivated traffic stops for decades.

Further, the reports of Black people dying during or in the aftermath of traffic stops has really dominated the news cycles in recent years, including in the Seventh Congressional District of Georgia.

In my district, a 22-year-old Black male motorist was assaulted, punched and kicked, by two Gwinnett County police officers during a routine traffic stop. Both officers have since [interruption to audio] and have faced criminal charges, but of course, we want these problems not to happen in the first place.

It is very important to reiterate that the adverse experiences that Black and Brown people face when interacting with the police are real. This is not merely anecdotal or the stuff of conjecture.

Racial profiling and implicit bias in traffic stops are well known and substantial problems, and there is extensive research on this issue showing this kind of bias in law enforcement.

I know several people have asked about the section 1906 grants that passed under SAFETEA and were authorized under the FAST Act.

And one thing I want to point out is that since the program's inception, only 23 States have utilized this grant, and Southern States, in particular, have been notably absent. I think only four Southern States have actually used this grant.

And yet it is clear that participating in this program would help reassure citizens of color that this issue is important enough to investigate.

So I just wanted to go back to you, Ms. Martin, or Mr. Barone, if you want to chip in on this. How do we get States like Georgia to participate in this program?

What are pieces of this that you see that might be barriers to States like Georgia in being involved in this grant program?

Ms. MARTIN. I can start, but I do think Mr. Barone can provide some history because he has gone to other States and brought his incredible program there.

The first thing is to show some examples and that's what he has done so successfully and how it has changed in a nonthreatening, nonblame-based approach the way that practices are implemented and truly resulted in both more equity and safer streets, which is really what we are all after.

As I mentioned before, we could consider when a State has not chosen to be part of the program whether localities could, towns, cities, and that may open things up a bit and give you an example in your State that you could bring more broadly. So that is just another thing to consider.

And I will give the time back over to the expert in Connecticut.

Mr. BARONE. Thank you, Ms. Martin, and thanks for the question.

I would agree with everything Ms. Martin said, and I would also go back to the comments I made earlier regarding the benefit of potentially allowing for technical assistance so that we can really ensure that States know that these resources are available and to help States access the resources and put together a program that does exactly what we have been able to do in Connecticut, which is address equity and roadway safety.

I think once people have a better understanding, for example, of what we have been able to do, it might incentivize them to want to engage in this program.

And I also think in those States where maybe State lawmakers are less interested in a State approach, which we have been fortunate to have in Connecticut, allowing localities to potentially access these funds to do this type of work at the local level would also go a long way in showing the benefits of the program.

Ms. BOURDEAUX. Great. Thank you.

I am definitely interested in finding ways to let localities access this program, make them aware of it, and help them use that.

I am very interested in the application of technology, and it has often occurred to me that, you know, the highway patrol looking for people speeding could be replaced with, you know, just machines that click when people drive by.



And in other countries, I once was in Switzerland, and if you go over a certain amount of the speed limit and you pass one of their devices, you are automatically mailed a speeding ticket.

And I was just curious. You know, what are barriers to this kind of technology in this country?

Has it been considered in some places?

Obviously, it would take a lot of the bias out of some of those kinds of highway enforcement activities.

Ms. MARTIN. Yes, I can comment on that one, ma'am.

They have been very effective in some of our cities and towns, and very much so worldwide of changing behavior, which is what we are trying to do.

We are not trying to catch people, fine them. We want to change their behavior so they are safer on the roadway to begin with. And if they know there is a speed camera, which is kind of generically what you just referred to, they do slow down, and it is a very easy way to be equitable because everybody is in the same boat as they go by that camera regardless.

But, again, we would say it needs to be used for safety, and for some of the towns that perhaps had some bumps in implementing these, it is because it was either perceived or perhaps explicit that part of it was revenue-based or for some other reason.

So the checklist that we have is really helpful, I think, if you want to consider putting these in place. The performance is there. We know it saves lives. So we are very supportive of that technology.

Ms. BOURDEAUX. Great. Thank you so much for that.

And I yield back the balance of my time.

Ms. NORTON. The gentlelady's time has expired.

I am pleased to recognize Mr. Lynch at this time.

You have 5 minutes, Mr. Lynch.

Mr. LYNCH. Thank you, Madam Chair. I appreciate your kindness and for holding this hearing.

Ms. Ramsey Hawkins, I want to thank you for your willingness to come before the committee today and to share your story and for trying to take your own personal tragedy and turn it to a positive on behalf of other families so that they may not suffer the same fate.

My condolences to you for your loss of your sons, and your story is far too common.

In the United States today, according to the National Highway Transportation Safety Administration, automobile crashes are the 13th leading category for causing death among young people and the leading indicator for death among teenagers and young adults.

In 2019, there were 36,000 people killed in motor vehicle accident crashes on U.S. roadways and an estimated 2.74 million injured.

Now, we did make progress in this country between 2000 and 2010 when the number of fatalities from drunk driving accidents dropped significantly from 13,000 a year to 10,000, which is still far too many, but we have plateaued at that level since 2010, and there has not been a significant reduction thereafter.

And I appreciate all of the advocacies that you have done with Mothers Against Drunk Driving and representing families and vic-

tims, and I am just curious if you see steps that Congress could take to make a meaningful impact on this terrible situation.

Now, you have spent many hours working on this, and you should be commended for your advocacy, but I would just like to give you an opportunity if you have any perspective on what Congress can do next to help further lower that risk to young people and to families all across America.

Ms. RAMSEY HAWKINS. Thank you, Congressman.

What can we do? What Congress can do is continue to support programs that are in place, such as Dr. Ray's and Dr. Barone's, plus to continue to talk openly about what is happening in this country and trust that between communities of color and law enforcement, we need fair and just enforcement.

We need technology, neutral rulemaking to mandate technology to prevent drunk driving. Until technology is mandated in all the vehicles, we need to have these conversations.

We need to continue to fund community programs, and we just need to have open and honest dialogue about programs and solutions, and that must continue to occur.

Mr. LYNCH. Well, thank you.

I want to again thank you for your courage in turning your own pain to the benefit of other families so that they may avoid suffering similarly.

I want to thank you for your thoughtful advocacy and your energy in this cause. It is very, very important to a lot of American families.

Thank you, Madam Chair, and I yield back.

Ms. RAMSEY HAWKINS. Thank you.

Ms. NORTON. Well, I want to thank the gentleman for his questions and for focusing on the witness who was a victim and survivor. It is important to make sure that that testimony has the appropriate questions. Ms. Hawkins represented Mothers Against Drunk Driving.

I would like to ask, are there any further questions from members of the subcommittee, either on webcam or in person?

[No response.]

Ms. NORTON. Seeing none, I want to thank each of our witnesses, in particular, for your very helpful testimony today. Your comments have been informative and helpful, and beyond that, your comments have been full of information and insights that I know I did not have and I feel comfortable in saying that most members of the committee on both sides did not yet have and that we need to take into account in any further legislation that is enacted.

I now ask unanimous consent that the record of today's hearing remain open until such time as our witnesses have provided answers to any questions that may be submitted to them further in writing.

I also ask unanimous consent that the record remain open for 15 days for any additional comments and information submitted by Members or witnesses to be included in the record of today's very helpful hearing.

Without objection, so ordered.

The subcommittee stands adjourned.

[Whereupon, at 1:59 p.m., the subcommittee was adjourned.]

## SUBMISSIONS FOR THE RECORD

---

### **Prepared Statement of Hon. Sam Graves, a Representative in Congress from the State of Missouri, and Ranking Member, Committee on Transportation and Infrastructure**

Thank you, Chair Norton, and thank you to our witnesses that are appearing before us today.

I wholeheartedly believe that discrimination and bias have no place in America, and that this Nation needs to continue to make progress in this area.

The National Highway Traffic Safety Administration (NHTSA) does not have jurisdiction over law enforcement—States do.

States administer their highway safety programs and decide how to use their NHTSA grant funding to address *safety* issues.

States spend a portion of their NHTSA grants on enforcement since it has proven so effective in deterring unsafe driving behaviors.

To increase traffic safety, we need to double-down on what works—infrastructure improvements and enforcement of traffic safety laws.

Without enforcement, we will not achieve the goal that we all share of eliminating traffic fatalities.

Bias and discrimination when deciding to make a traffic stop is unconstitutional, wastes limited resources, and should be eliminated.

However, radical efforts to take away or completely defund our law enforcement is not a viable solution and would be counter to achieving our bipartisan traffic safety goals including reaching zero deaths on our nation's highways.

I look forward to hearing from our witnesses today about how we can make improvements on both these fronts within the limited but important role this Committee plays in enforcement activities.

Thank you, Chair Norton. I yield back.

---

### **Letter of February 23, 2021, from Catherine Chase, President, Advocates for Highway and Auto Safety, and Dawn King, President, Truck Safety Coalition, Submitted for the Record by Hon. Eleanor Holmes Norton**

FEBRUARY 23, 2021.

Hon. ELEANOR HOLMES NORTON,  
*Chair,*

Hon. RODNEY DAVIS,  
*Ranking Member,*

*Subcommittee on Highways and Transit, Committee on Transportation and Infrastructure, U.S. House of Representatives, Washington, DC.*

DEAR CHAIR NORTON AND RANKING MEMBER DAVIS:

Thank you for holding tomorrow's hearing, "Examining Equity in Transportation Safety Enforcement." Ensuring that all people can safely and equitably share in the transportation network is essential to our daily lives and opportunities for health care, employment, education, recreation, and others. This must be a cornerstone of our Nation's transportation policy. We respectfully request this letter be included in the hearing record.

Advancing safety on our roads is inextricably linked to ensuring that all transportation users benefit from the improvements. Traffic safety regulations and laws are "vaccines" that should be available to everyone and have been integral in reducing motor vehicle crashes, deaths and injuries. A recent report published by the *Center for Study of Responsive Law* on the occasion of the 55th anniversary of Ralph Nader's *Unsafe at Any Speed* noted:

No one in 1966 or 1974 predicted the huge number of lives that would be saved with motor vehicle safety standards, vastly upgraded and new state highway safety laws, and new highways built under the federal aid highway program. In 1966 the number of highway deaths were [sic] 50,894 (they increased to a high of 54,589 by 1972). In 2019, the number of fatalities was 36,096, despite the huge increase in the number of drivers, vehicles and miles traveled. Based on an analysis by the Center for Auto Safety of deaths per million vehicle miles traveled, an estimated 4.2 million lives were spared because of these safety improvements in the U.S. from 1966 to 2019.

In 2015, the National Highway Traffic Safety Administration (NHTSA) estimated that since 1960, more than 600,000 lives have been saved by motor vehicle safety technologies such as seat belts, airbags, child seats, and electronic stability control. According to an article in the *American Journal of Epidemiology*, “Trends in Socio-economic Inequalities in Motor Vehicle Accident Deaths in the United States, 1995–2010”:

Legislation against alcohol-involved driving, such as 0.08-g/dL blood alcohol concentration laws, sobriety checkpoints, and minimum legal drinking age laws, have reduced fatal and nonfatal crash injuries since they first were enacted in the 1970s. Mandatory seat-belt laws, particularly when robustly enforced, increase seat-belt use and have reduced mortality since their introduction in 1984. There have also been improvements in alcohol-impaired driving fatalities and the use of safety restraints.

This study also found that “[b]etween 1995 and 2010, overall MVA [motor vehicle accident] mortality rates fell by 15%–25%, depending on whether they were measured as a function of population, VMT [vehicles miles traveled], or PMT [person-miles traveled]. Crude mortality rates were higher in men, blacks, and persons aged 65 years or older.” Every year on average, over 36,000 people are killed and 2.74 million more are injured in motor vehicle crashes. Preliminary estimates from NHTSA indicate that the fatality rate and total for the first nine months of 2020 increased over the same time period in 2019. This is in line with troubling trends reported across the country, and confirmed by NHTSA, of drivers engaged in riskier driving behaviors including speeding, impairment, and lack of seat belt use during the COVID–19 pandemic. Media and analytics reports note distracted driving increased as well.

Moreover, in 2019, over 5,000 people were killed in crashes involving a large truck. Since 2009, the number of fatalities in large truck crashes has increased by 48 percent.<sup>1</sup> In 2019, 159,000 people were injured in crashes involving a large truck, and the number of large truck occupants injured increased by 18 percent. In fatal crashes involving a truck and a passenger vehicle, 96 percent of the fatalities were passenger vehicle occupants, according to the Insurance Institute for Highway Safety (IIHS). The cost to society from crashes involving commercial motor vehicles (CMVs) was estimated to be \$143 billion in 2018, the latest year for which data is available. According to the U.S. Department of Labor, truck driving is one of the most dangerous occupations in the United States.

This substantial crash death and injury toll also comes with a serious financial burden. Based on 2010 data, crashes impose an annual cost of over \$800 billion to society, including \$242 billion in direct economic costs (NHTSA). When adjusted only for inflation, comprehensive crash costs now near one trillion dollars, with direct economic costs amounting to \$292 billion—or an \$885 “crash tax” on every American. Additionally, crashes cost employers \$47.4 billion in direct crash-related expenses annually, based on 2013 data (Network of Employers for Traffic Safety (NETS)). Similarly adjusted, the cost to employers is now approximately \$54 billion annually.

Ending the physical, emotional, and economic impacts of motor vehicle crashes is achievable. It is vital that inequitable enforcement is eliminated as this goal is pursued. The Subcommittee is to be commended for convening this important hearing to discuss this issue. Furthermore, we laud the Committee on Transportation and Infrastructure for advancing numerous safety improvements in the Moving Forward Act (116th Congress, H.R. 2) as well as those Committee members who introduced

<sup>1</sup> Note, the 48 percent figure represents the overall change in the number of fatalities in large truck involved crashes from 2009 to 2019. However, between 2015 and 2016 there was a change in data collection at U.S. DOT that could affect this calculation. From 2009 to 2015 the number of fatalities in truck involved crashes increased by 21 percent and between 2016 to 2019, it increased by 7 percent.

stand-alone safety bills last session. We urge the Subcommittee to once again, advance those overdue and needed safety solutions as well as additional upgrades to accomplish our shared goal of safety equity for all. The following recommendations will achieve this goal; however, they are not an exhaustive list of our organizations' safety and equity agendas.

*Require and expand the use of proven technologies which are demonstrated by data, research and experience to prevent, mitigate or reduce motor vehicle crashes yet are currently deployed inequitably.*

**Require Vehicle Safety Technology:** Advanced driver assistance systems (ADAS) including automatic emergency braking (AEB), lane departure warning (LDW) and blind spot detection (BSD) have shown remarkable potential. According to IIHS, AEB can reduce front-to-rear motor vehicle crashes with injuries by 56 percent. Other ADAS technologies have similar impressive results. The National Transportation Safety Board (NTSB) has included increasing implementation of collision avoidance technologies in its Most Wanted List of Transportation Safety Improvements since 2016. ADAS technologies are already widely used in places like Europe, Australia, Japan and Korea.

However, access to these lifesaving crash avoidance technologies currently is not equitable. They are often sold as part of an additional, expensive trim package coupled with other non-safety features, or included as standard equipment only in high end models or vehicles, which are unaffordable to many families. A report from Consumer Reports found an astounding upcharge of more than \$16,000 for AEB with pedestrian detection in the second most popular vehicle sold in the U.S. It is essential that vehicle safety technology be required as standard equipment to make safety equitable and to expedite the benefits to all road users. This requirement, which involves the U.S. Department of Transportation (DOT) developing minimum performance standards, will also ensure these technologies function as expected and needed including the detection and response to all road users. Individuals who rely on walking or biking for utilitarian purposes, rather than choice, to reach work or school are at the highest risk for injury or death. Mandating safety equipment in all new vehicles and ensuring the protection of vulnerable road users could address yet another aspect of social inequality. Furthermore, as part of the rulemaking process, NHTSA should be instructed to collect information about the performance of the technology and any negative impacts on people of color and be required to address these issues in the final rule, issued by a date certain. Successful widespread infiltration of advanced technologies into the marketplace and the resultant reduction and mitigation of crashes should lead to a decrease in the interface of road users and law enforcement.

Large trucks equipped with forward collision warning (FCW) and AEB technology have also experienced lower crash rates. IIHS research, which looked at approximately 2,000 crashes between 2017 and 2019, found that FCW and AEB reduced rear-end crashes by 44 and 41 percent respectively. Trucks equipped with FCW had 22 percent fewer crashes and trucks with AEB had 12 percent fewer crashes than those without either of these vital safeguards. The protections offered by these systems would mitigate a myriad of crash causations including speed, distraction, impairment and fatigue. Safety groups petitioned NHTSA to initiate a rulemaking on AEB for all vehicles with a gross vehicle weight rating (GVWR) of 10,000 pounds or more in 2015. The petition was granted but no regulatory action has been taken by the agency. AEB has been required on large trucks in the European Union since 2015. Congress should mandate the U.S. DOT completes the rulemaking so that all truck drivers eventually have access to these crucial systems. A requirement will reduce the cost of technology and level the economic "playing field."

Impaired driving continues to be a leading killer on our roads, and its incidence can be similarly mitigated through technology by adoption of advanced impaired driving prevention technology. According to IIHS, technological solutions have the potential to save more than 9,000 lives a year if widely deployed. Technology that can passively detect alcohol or monitor driver behavior behind the wheel has shown great promise to prevent driving while impaired. Congress should move this transformative technology forward by directing NHTSA to issue a final rule requiring new vehicles to be equipped with advanced impaired driving prevention technology subject to a minimum performance standard. This will both reduce crashes and the need for law enforcement officers to pull over impaired drivers.

Similarly, connected vehicle technology offers potential to improve safety and limit the need for police officer/motorist interaction. Specifically, vehicle-to-everything (known as V2X) communication can relay signals to the vehicle about upcoming traffic lights and speed limits, among other messaging, further improving the safety of drivers and all road users. Connected vehicle technology can also amplify the ben-

efits of certain vehicle safety technologies. Vehicle technologies are already being introduced that provide speed assistance. In fact, the European New Car Assessment Program (Euro NCAP) “promotes the installation of speed assistance systems that support drivers to control their speed.” We urge Congress to direct NHTSA to complete the upgrade of U.S. NCAP to include this advancement and update and complete the 2017 Notice of Proposed Rulemaking (NPRM) to require vehicle-to-vehicle (V2V) technology, as well as partner with the Federal Highway Administration (FHWA) to study the needs and benefits of vehicle-to-infrastructure (V2I) with the goal of V2X communications for safety. These steps could significantly advance safety and reduce the role of law enforcement in traffic safety enforcement and crash response.

Past legislation which promotes these issues and should be advanced includes: Moving Forward Act (116th Congress, H.R. 2); 21st Century Smart Cars Act (116th Congress, H.R. 6284); Protecting Roadside First Responders Act (116th Congress, S. 2700/H.R. 4871); Safe Roads Act (116th Congress, H.R. 3773); School Bus Safety Act (116th Congress, S. 2278/H.R. 3959); HALT Drunk Driving Act (116th Congress, 4354); Reducing Impaired Driving for Everyone (RIDE) Act (116th Congress, S. 2604); and, Five-Stars for Safe Cars Act (116th Congress, H.R. 6256).

*Expand the Use of Road Safety Technology:* Automated enforcement (AE), such as speed and red-light running cameras, is a verified deterrent against frequent crash contributors and has been identified by NHTSA, NTSB, Centers for Disease Control and Prevention (CDC), IIHS and others as an effective means to curb dangerous driving behavior. Moreover, a recent review by the Congressional Research Service (CRS) found that speed camera programs are effective in reducing speeding and/or crashes near cameras. Additionally, for vulnerable road users, such as pedestrians and bicyclists, small changes in speed can have a large impact on survivability. New crash tests performed by IIHS, the AAA Foundation for Traffic Safety, and Humanetics show that modest five to ten miles per hour (mph) increases in speed can have a severe impact on a driver’s risk of injury or even death. Expanding the use of AE is especially important considering in 2019 pedestrian and bicyclist fatalities remained among the highest levels in 30 years. According to the 2019 *Dangerous by Design* released by Smart Growth America and the National Complete Streets Coalition, “Drivers strike and kill people of color, especially Black or African American and American Indian or Alaska Native people, at higher rates compared to White, Non-Hispanic, and Asian or Pacific Islander people.”

With local budgets strained because of the COVID-19 pandemic, lifesaving AE should be used to augment local law enforcement efforts to make certain that traffic safety laws are enforced in a safe and judicious manner. Advocates for Highway and Auto Safety joined leading traffic safety organizations to produce a resource for communities implementing new AE programs or updating existing ones called the *Red Light Camera Checklist (Checklist)*. We are currently in the process of jointly updating the Checklist to apply to speed camera systems as well. Furthermore, limiting the need for police interaction with motorists will help reduce the safety risk of police officers and other first responders from other vehicles while on the roadside. We urge the Subcommittee to revise the language in 23 U.S.C. 402(c)(4) that prohibits states that receive funding under this program from using those awards on AE programs.

*Encourage enactment and enforcement of comprehensive, transparent and unambiguous traffic safety laws.*

The intent of traffic safety laws and consistent enforcement is to deter dangerous behaviors and ensure road safety. It is vitally necessary that enforcement is conducted fairly and without bias or excessive force. Some state legislatures have introduced bills to revoke or weaken traffic safety laws without concurrently assuring the safety need provided by such laws is equally met, which is especially precarious considering the surge in risky driving behavior on our roads. While numerous studies performed by NHTSA and others find that primary enforcement seat belt laws do not result in increased ticketing of people of color, the potential for improper enforcement and harassment is an ongoing concern that is not limited to, nor created, by seat belt and other traffic safety laws. Repeated requests that NHTSA update its research pertaining to primary enforcement laws, traffic stops and ticketing have gone unanswered, and we urge the Subcommittee to call on them to do so as part of your ongoing efforts to examine equity in transportation safety.

Congress should also establish an incentive grant program for states to lower the legal blood alcohol concentration (BAC) limit to .05 percent or lower, and to encourage states to fill gaps in their seat belt laws to require all occupants in the front and rear seating positions to buckle up and ensure everyone is protected. Moreover, 16 states still do not have an essential law requiring ignition interlock devices (IIDs)

for all offenders. Congress should enact a sanction withholding federal highway construction money for states that do not adopt an IID law by a date certain. This successful approach was used to achieve uniform adoption of state laws on the 21-drinking age, zero tolerance BAC for underage drinking and driving and a national .08 percent BAC. No state lost a single dollar of federal highway construction money and every state now has these lifesaving laws. Further, fatalities in distraction-affected crashes increased by 10 percent in 2019. Congress should direct improvements to the current Section 405 incentive grant program to encourage state adoption of better laws and stronger enforcement to curb distracted driving, including by passing the SAFE TO DRIVE Act (H.R. 762/S. 195). We also ask Congress to advance appropriate legislation to improve law enforcement training including for procedures for traffic stops and to promote better data and accountability in the enforcement of traffic safety laws, among other issues.

*Improve road infrastructure design, planning, maintenance and building to factor in all road users and make changes to incorporate safety upgrades to the road transportation system.*

The Safe Systems approach is based on the reality that humans will make mistakes, that they are vulnerable in crashes, and that it is imperative fatalities and injuries on our roads are eradicated. It includes research proven countermeasures such as lowering speed limits, adding design elements that separate vulnerable road users from vehicles (i.e., separated and protected bike lanes, accessible sidewalks and pedestrian islands), redesigning roads which were once designed for speed for mixed use, and advancing vehicle safety technology including AEB and intelligent speed assistance. Congress should take action to direct the U.S. DOT to offer grant opportunities to incentivize the incorporation of Safe Systems principles in state and local road infrastructure projects. These projects must be extended to all neighborhoods to promote equity of the safety improvements. They should aim to help improve our roads to ensure safety for mixed modal use (i.e., vehicles, pedestrians, bicyclists, people who use wheelchairs or other assistive devices, micromobility and other novel mobility products) and expand the ability for localities to respond to different road use challenges, among other upgrades.

*Federal truck size and weight limits must be maintained and all special interest exemptions must be rejected.*

Federal limits on the weight and size of CMVs are intended to protect all truck drivers, the entire traveling public and America's roads and bridges. Yet, well-funded special interests continue to lobby Congress for legislative provisions allowing larger and heavier trucks that violate or circumvent these federal laws to operate in certain states or for specific industries. State, roadway-specific and industry-based exemptions and pilot programs to increase truck size and weight will further erode an already economically inequitable system and should be rejected.

*Any consideration of autonomous vehicle (AV) legislation must include policy positions in the "AV Tenets."*

AV manufacturers and developers have touted the promise of AVs to improve access, equity, mobility, environmental impact and safety. Yet, without specific policies to require these outcomes, not only could these goals be derailed, but wide-ranging negative consequences could be experienced by a variety of diverse stakeholders. To address these challenges, last November, we and numerous other stakeholders released the "Autonomous Vehicle (AV) Tenets," a comprehensive approach to prioritize the safety of all road users, guarantee accessibility and equity, preserve consumer and worker rights, and ensure local control and sustainable transportation.

One example of a safeguard included in the AV Tenets is a "vision test" for AVs. If a vehicle takes over the driving responsibility it will need to "see" and properly respond to all vehicles, people, and objects in the roadway including but not limited to Black and Brown people, pedestrians, bicyclists, people who use wheelchairs and other assistive technology, children and strollers, motorcyclists, roadway infrastructure, construction zones and roadside personnel, and interactions with law enforcement and first responders. Additionally, the AV Tenets include a recommendation that if AVs are used as part of transportation services, clear plans are needed to coordinate the safe transportation for all people including the need for delivery of medical care as well as laws in furtherance of social equity to protect those who are marginalized (Black and Brown people, Indigenous people, LGBTQ+ people, people with disabilities, women, older adults, and all other groups).

Further, the AV Tenets direct the U.S. DOT to review algorithms and risk assessment procedures for potential issues, including bias, in technologies that assist in or takeover the driving task. Any identified problems must be corrected by the de-

veloper or manufacturer and verified by the U.S. DOT. Coordination and oversight should be led by the Office of the NHTSA Civil Rights Director in partnership with the Office of the Assistant Secretary for Research and Technology, NHTSA Office of Vehicle Safety Research, and NHTSA Chief Counsel's office. The Office of the NHTSA Civil Rights Director should be given adequate resources, expertise and authority to accomplish this role. If, and when, Congress considers AV legislation these and the other positions in the AV Tenets should be incorporated.


Maximizing safety and achieving equity in our transportation system are complementary goals which should and can be realized together. Thank you again for convening this important hearing and considering our recommendations. We look forward to working with you to advance safety equity for all road users.

Sincerely,

CATHERINE CHASE,  
*President, Advocates for Highway and Auto Safety.*

DAWN KING,  
*President, Truck Safety Coalition.*

cc: Members of the U.S. House Committee on Transportation and Infrastructure





**Red Light Camera Program—Checklist, Submitted for the Record by Hon.  
Eleanor Holmes Norton**



## LIGHT CAMERA PROGRAM CHECKLIST

Photo enforcement is a proven, effective tool to make roads safer. Well-controlled before-and-after studies have found that red light cameras reduce violations and injury crashes, especially the violent front-into-side crashes most associated with red light running.

Successful programs have a strong public information component, are transparent, and emphasize safety over revenue. In fact, communities should expect that revenue will decline over time as fewer drivers run red lights. Some, though not all, studies indicate that rear-end crashes increase initially, but rear-enders are typically low-severity crashes compared with the high-speed right-angle collisions targeted by red light camera programs.

This checklist assumes your community is already legally authorized to set up a program. It is intended to help you operate a program to reduce crashes, prevent injuries, save lives, and maintain strong public support.

### FIRST STEPS

- ☐ Identify problem intersections:
  - Assess violation and crash data.
  - Conduct field observations.
  - Collect resident input.
- ☐ Make changes necessary to ease compliance with the law:
  - Ensure the road geometry conforms with guidelines from the American Association of State Highway and Transportation Officials or state road design manuals.
  - Ensure that signal timing at a minimum conforms with the Manual on Uniform Traffic Control Devices and Institute of Transportation Engineers guidelines.
  - Remove sightline obstructions of signals and signage.
- ☐ If photo enforcement is appropriate for the problem intersections, establish an advisory committee comprised of stakeholders, e.g., law enforcement, transportation department, victim advocates, school officials, community residents, first responders, health officials, and the courts. Outline the committee's role to advise on the development and implementation of the program.
- ☐ Meet with the media and newspaper editorial boards to build support and educate the public.

### SECOND STEPS

- ☐ Select appropriate sites based on data from first steps.
- ☐ Publicize the extent of the safety problem and need for innovative solutions.
- ☐ Secure a vendor and establish payment based on the vendor's actual costs, not the number of citations.
- ☐ Establish a grace period before a vehicle is photographed of up to 1/2 second and no less than 1/8 of a second after the light turns red.
- ☐ Establish that law enforcement officers or other appropriately trained personnel employed by the locality will review evidence, identify violations, and issue citations.
- ☐ Create a website and social media plan with program details, such as how to pay and dispute tickets.
- ☐ Establish a method for answering questions accurately and in a timely manner.
- ☐ Develop an emergency action plan for handling problems, such as system malfunctions.

### IMPLEMENTATION

- ☐ Hold a kickoff event with advisory committee members. Introduce a sustained public education campaign focused on improving safety by changing driver attitudes and behavior.
- ☐ Connect the program to safety initiatives such as Vision Zero, Toward Zero Deaths, and Road to Zero.
- ☐ Install prominent warning signs at camera locations and major roadways entering the jurisdiction.
- ☐ Establish a probationary period during which only warnings are issued.
- ☐ Target violations with the greatest safety consequences. Discard right-turn-on-red violations when pedestrians, bicyclists, and oncoming vehicles are not present.
- ☐ Allow for due process. Minimize the number of days between the violation and citation issuance. Establish and publicize the available procedures for contesting an alleged violation.
- ☐ To the extent feasible, allocate fines in excess of program costs to traffic safety programs.

### LONG TERM

- ☐ Publicize changes, including new camera locations. Reinstate the probationary period before ticketing begins at new locations.
- ☐ Monitor program operation and publicize results.
- ☐ Require regular field reviews. Verify monthly camera calibration and synchronization with signals.
- ☐ Require regular program evaluation by collecting crash and infraction data. Avoid simple before-and-after comparisons by using proper control intersections. Include control intersections that are not subject to spillover effects.
- ☐ Regularly meet with the advisory committee and media to review program status and sustain public support.

For more information on red light cameras, go to  
[IHS.ORG/RED-LIGHT-RUNNING](http://IHS.ORG/RED-LIGHT-RUNNING)

Partner organizations:



**Letter of February 23, 2021, from Chuck DeWeese, Chair, Governors Highway Safety Association, and Assistant Commissioner, New York Governor's Traffic Safety Committee, Submitted for the Record by Hon. Eleanor Holmes Norton**

FEBRUARY 23, 2021.

Hon. ELEANOR HOLMES NORTON,  
*Chair,*  
*House Subcommittee on Highways and Transit, Washington, DC.*

Hon. RODNEY DAVIS,  
*Ranking Member,*  
*House Subcommittee on Highways and Transit, Washington, DC.*

RE: Examining Equity in Transportation Safety Enforcement

DEAR CHAIR NORTON AND RANKING MEMBER DAVIS:

Thank you for the opportunity to share a statement with the subcommittee regarding the upcoming hearing *Examining Equity in Transportation Safety Enforcement*.

The Governors Highway Safety Association (GHSA) is a national nonprofit association representing the State and Territorial Highway Safety Offices (SHSOs). The SHSOs implement statewide programs to address behavioral highway safety issues and partner with the National Highway Traffic Safety Administration (NHTSA) to distribute grants for a wide range of countermeasures, including education, enforcement and community engagement, that are proven to help reduce roadway crashes, injuries and fatalities. The mission of GHSA and its State members is the safety of everyone on the road.

GHSA thanks the committee for holding a hearing on this important topic. On September 23, 2020, GHSA released a statement condemning racism and abuse in policing and calling for steps that SHSOs and law enforcement agencies can take to achieve greater justice.

Traffic deaths remain a persistent public health crisis in our country. In 2019, 36,096 Americans were killed on our roads and preliminary estimates suggest that fatalities increased further in 2020. While GHSA continues to support the proven role of traffic enforcement and the wider criminal justice system in protecting all road users, clearly reforms are needed.

Last June, GHSA's Executive Board formed a Workgroup on Equity in Traffic Enforcement to support the Association's work in this area. GHSA has also recently engaged the transportation consulting firm Kimley-Horn to assess the landscape of efforts across the SHSO to promote equity in traffic enforcement as well as examine promising practices in other State agencies.

GHSA commits to working with all stakeholders to address these challenges in the traffic safety context. We specifically urge Congress to direct NHTSA to use its convening authority to gather a diverse spectrum of stakeholders together to develop solutions, including highway safety advocates, civil rights advocates, community groups, and national law enforcement organizations.

As Congress prepares for the upcoming transportation reauthorization, GHSA offers the following additional recommendations:

- Expand the Section 1906 Grant Program to Prohibit Racial Profiling by providing States access to these funds for more than two fiscal years and allowing these funds to be used for law enforcement equity training and related programs.
- Direct NHTSA to diversify the messages used in traffic safety campaigns to influence behavior beyond enforcement and criminal consequences, as well as evaluate the effectiveness of these additional messages.

GHSA appreciates the opportunity to share our perspective, and we look forward to our ongoing partnership with the U.S. Congress and U.S. Department of Transportation to save lives on our nation's roads.

Regards,

CHUCK DEWEESE,  
*Chair, Governors Highway Safety Association.*  
*Assistant Commissioner, New York Governor's Traffic Safety Committee.*

**Letter of February 24, 2021, from Leah Shahum, Executive Director, Vision Zero Network, Submitted for the Record by Hon. Eleanor Holmes Norton**

FEBRUARY 24, 2021.

To: Members of the U.S. House of Representatives' Committee on Transportation and Infrastructure—Subcommittee on Highways and Transit  
 RE: February 24, 2021 Hearing on “Examining Equity in Transportation Safety Enforcement”

Thank you for bringing attention to this important issue at today's hearing, “Examining Equity in Transportation Safety Enforcement” and for offering the chance to share input.

We write on behalf of the Vision Zero Network, a national nonprofit project working to advance the goal of Vision Zero: zero traffic deaths or severe injuries for *all* road users, including those of us walking, bicycling, riding transit or driving. We are proud to work closely with more than 40 communities across the U.S. which have made local or regional commitments to Vision Zero.

We write to share our serious concerns about the way police-led traffic enforcement strategies are used—and, too often, abused—in the U.S. And this includes the role that the National Highway Traffic Safety Administration (NHTSA) plays.

We urge you to use your policymaking and funding authority to help ensure that federal policies and funds support effective and equitable strategies to promote safety on our roads, sidewalks and bikeways. Too often, this appears not to be the case, to the serious detriment of the public.

Numerous studies (and high-profile incidents viewed by millions around the world) have shown racial bias in police-led traffic enforcement in the U.S.

Examples include the following:

- Police officers generally stop Black drivers at higher rates than white drivers. And, once stopped, Black and Hispanic drivers are searched more often than white drivers. (Source: <https://openpolicing.stanford.edu/findings/>)
- The problems are similar for people walking and bicycling. For instance, in 2019, 90% of the people that NYPD officers summonsed for jaywalking were Black or Latinx, though only 55% of New Yorkers are Black or Latinx. (Source: <https://bit.ly/3aQw2ub>)
- In Tampa, Florida, a 2015 analysis showed that while Black residents only made up about 40% of estimated bicycle riders, 73% of all bicycle stops made by the police department were of Black cyclists. (Source: <http://mediad.publicbroadcasting.net/p/wusf/files/201604/cops-w0801-pub.pdf>)
- In Jacksonville, FL, Blacks were three times as likely to be ticketed by police for a “pedestrian violation,” receiving 55% of all pedestrian tickets while only accounting for 29% of the population, according to a study released in 2017. (Source: <https://features.propublica.org/walking-while-black/jacksonville-pedestrian-violations-racial-profiling/>)

Evidence of over-policing and racial bias is compounded when we recognize that Black people in the U.S. are also disproportionately more likely to be killed while walking in traffic crashes. (Source: <https://smartgrowthamerica.org/dangerous-by-design/>) This may not be a surprise, as these communities' neighborhoods have been traditionally underserved by safe everyday transportation infrastructure, such “basics” as safe and interconnected sidewalks and bikeways, safe street crossings and low-speed safe streets.

#### WHAT'S NEXT?

We ask for an immediate, comprehensive and impartial review of NHTSA's enforcement-related spending to analyze both the effectiveness, in terms of measurable safety impacts, *and* evidence and impacts of racial bias. Programs that cannot demonstrate effectiveness and equitable means and ends should no longer be funded by NHTSA.

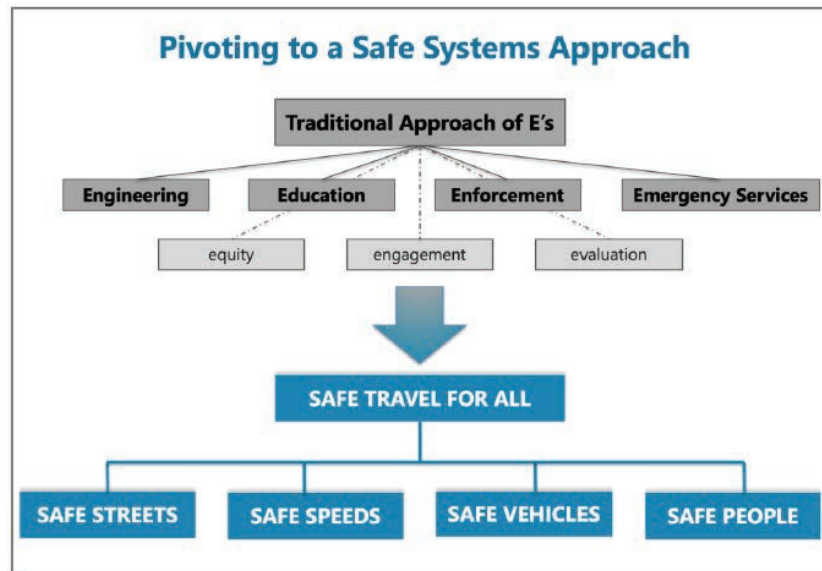
Alternative efforts that should be considered more appropriate to replace NHTSA funding of traditional police-led enforcement include investing in the following:

- Support of local communities' engagement to determine needs for their own safe, healthy, equitable, accessible transportation options (Ex: from Los Angeles Dept. of Transportation: <https://bit.ly/3pMPbRX>);
- Community-led planning processes to invest in self-enforcing street designs that do not rely on potentially biased police-initiated actions and that are more effective and financially sustainable;

- Investment in restorative justice programs that aim for positive behavior change versus punishments that disproportionately harm low-income and people of color;
- Resources to reform related, broken criminal justice systems that criminalize poverty rather than improve traffic safety, such as the practice of suspending drivers' licenses of people who cannot afford fines and fees (*Ex: from NYC's Center for Court Innovation* <https://visionzeronetwork.org/restorative-justice-strategies-for-safe-streets/>)
- Investment in the Safe Systems approach, as mentioned in the hearing February 24, 2021 by the National Safety Council. This includes prioritizing proactive, preventative measures, such as evidence-based strategies for designing streets safely and setting speeds at safe levels. (More from the Federal Highway Administration (FHWA): [https://safety.fhwa.dot.gov/zerodeaths/docs/FHWA\\_SafeSystem\\_Brochure\\_V9\\_508\\_200717.pdf](https://safety.fhwa.dot.gov/zerodeaths/docs/FHWA_SafeSystem_Brochure_V9_508_200717.pdf))
- Flexibility for local and regional entities to access NHTSA 1906 funding to analyze and address issue of racial bias in traffic enforcement efforts, also mentioned during the hearing by multiple panel experts.

At the Vision Zero Network, we support a pivot from the traditional “E’s” approach of traffic safety (Education, Enforcement, Engineering, etc.) to the *Safe Systems* approach, which prioritizes improving the underlying systems and policies that center safety for all road users—such as Complete Streets, lower speed limits, and practices and policies that focus on proactively making safe behaviors on the road the easy and obvious choices for road users. The Safe Systems approach recognizes that we cannot enforce nor educate our way out of the problem of nearly 40,000 traffic deaths each year, but that we can design systems that proactively encourage safe behavior.

(See graphic below)



Rather than continuing the reactive and punitive approach of today’s police-led enforcement work, NHTSA can and should follow the lead of other nations that have significantly improved their traffic safety rates by taking a public health-inspired approach to transportation safety, focusing on upstream measures to influence behavior. These upstream measures include streets redesigned for maximum safety, not maximum speed, and policies that give people options to walk, bike, ride transit and drive—safely.

Not only is Vision Zero—and the Safe Systems approach underlying it—the ethically responsible way to structure our decision making around traffic safety and related goals, it is also a more equitable and effective way than the traditional E’s approach.

Analysis of traffic fatalities in 53 nations, conducted by the World Resources Institute, found that those adopting a Safe Systems-based approach, such as Vision Zero, achieved both the lowest rates of traffic fatalities and the largest reduction in fatalities over 20 years (1994–2015). (Source: *Sustainable & Safe: A Vision and Guidance for Zero Road Deaths*, World Resources Institute).  
(See graphic below)



The U.S. has failed in ensuring people safe, healthy, equitable mobility options. Meanwhile, others across the globe are embracing the Safe Systems approach and modernization of policies and practices that have led to steady increases in safety. In fact, *the U.S. ranks 42nd out of 51 high-income nations for per capita traffic fatalities.*

We share the goal with you and others across the nation of wanting to ensure *all* people can move about our communities safely. We hope this review of NHTSA's funding of enforcement practices will result in important awareness-raising and changes to ensure traffic safety efforts funded by the federal government are equitable, as well as effective.

Thank you sincerely for your attention and leadership. If we can answer any questions or discuss further, please reach out to us and more information can be found at [visionzeronetwork.org](http://visionzeronetwork.org).

Sincerely,

LEAH SHAHUM,  
Executive Director, Vision Zero Network.

**Article entitled, “Nine key takeaways from the Globe’s ‘Blind Spot’ investigation,” by Matt Rocheleau, Vernal Coleman, Evan Allen, Laura Crimaldi, and Brendan McCarthy, Boston Globe, updated August 25, 2020, Submitted for the Record by Hon. Seth Moulton**

**NINE KEY TAKEAWAYS FROM THE GLOBE’S “BLIND SPOT” INVESTIGATION**

by Matt Rocheleau, Vernal Coleman, Evan Allen, Laura Crimaldi, and Brendan McCarthy

Boston Globe, updated August 25, 2020



Lane Turner/Globe Staff

For nearly a year, Globe reporters scoured crash data and records and found that menacing drivers across the country are escaping scrutiny—and remaining on the road—due to bureaucratic neglect. These failures have been deadly.

The Globe’s “Blind Spot” investigation examines the hidden dangers on America’s roads and found glaring problems with how drivers are licensed and how the trucking industry is regulated.

Here are some of the key takeaways from the Globe’s reporting.

*1. There’s no system to effectively track driving offenses between states*

Despite nearly 50 years of warnings by federal road safety officials, the United States still has no effective national system to keep tabs on drivers who commit serious offenses in another state. Enforcement relies on state agencies to do their job, which they often don’t. It is a gap that puts everyone at risk every time we take to the road.

*2. This has had lethal consequences*

One example of this was on display last summer when seven motorcyclists were killed in New Hampshire crash. Volodymyr Zhukovskyy, a 24-year-old truck driver with an atrocious record, allegedly crossed the center line and crashed into the motorcyclists. His driver’s license should have been suspended at the time of the crash but remained valid due to lapses at the Massachusetts Registry of Motor Vehicles.

The Globe identified seven other people killed in recent years by drivers with past violations that should have kept them off the road. There are unquestionably many more, but restrictive state rules on driver data make compiling a true tally almost impossible.

*3. The scope of the problem is massive*

A major company that collects and analyzes bulk driver data told the Globe it estimates more than one in 10 drivers across the nation has at least one offense—



ranging from speeding to vehicular homicide—that isn’t reflected on the official record. Another data collection company reported a similar trend.

In a nation of 227 million licensed drivers, that would add up to more than 22 million unaccounted-for offenders, among them, almost certainly, thousands, perhaps millions, who should have lost their licenses, temporarily or permanently.

#### *4. Sloppy recordkeeping, outdated communication, and neglect are to blame*

The United States counts on 50 state registries, plus the District of Columbia, to police themselves and alert others when an out-of-state driver breaks the law.

Often, the Globe found, states fail in this duty: Some neglect to send warnings about dangerous drivers; some receive notices but don’t bother to read and record them.

And, even in this era of instant communication, agencies nationwide still rely on mailing paper documents to directly notify each other about infractions by out-of-state passenger drivers—a slow, labor intensive process that is prone to administrative failures.

Seven states—including California, Arizona, New Hampshire, and Rhode Island—have for years sent no direct mail notices at all, making them islands of irresponsibility in the world of highway safety.

#### *5. There are major gaps in oversight of the increasingly deadly trucking industry*

After more than a decade of declines, the frequency of fatal crashes involving trucks shot up by 41 percent between 2009 and 2017. In 2017, the last year for which complete statistics are available, 4,761 people died in crashes involving large trucks on American roads. That’s one person every two hours. That’s a Boeing 737 plane crash every two weeks.

And violations among trucking companies are common. Recent research commissioned by trucking companies themselves suggests that 300,000 undetected drug users are currently piloting trucks.

#### *6. Many trucks are poorly maintained to the point of peril*

Federal statistics show that, on average, one in five of the more than 4 million trucks regulated by the FMCSA is in such disrepair that if it were stopped by safety inspectors, it would immediately be taken out of service.

Yet, the federal agency responsible for protecting American drivers from dangerous truckers, the Federal Motor Carrier Safety Administration, has allowed whole swaths of the industry—most strikingly, small upstart companies—to operate with minimal or no oversight, the Globe found.

#### *7. How did it get this way?*

The FMCSA simply lacks the firepower to wrangle a sprawling industry with a fierce independent streak, which some safety advocates liken to the Wild West.

The agency employs only about 1,200 people to oversee a sector with half a million companies that is growing by more than 30,000 businesses every year. The agency has no centralized way to check the backgrounds of drivers, and drug testing requirements are inadequate.

Compliance with many of the agency’s requirements is increasingly monitored remotely, often with paperwork that companies simply send in, with little verification or first-hand observation.

The FMCSA does get information from traffic stops by police and unannounced roadside inspections conducted by state regulators. But that provides a haphazard picture at best: More than a million of the 4.6 million commercial vehicles the FMCSA regulated in 2018, for example, were not stopped once through the entire year, according to federal statistics.

#### *8. The problems are most glaring with fledgling companies*

New trucking companies are required by the FMCSA to file reams of paperwork before they can open up shop, promising that they understand and will comply with regulations, but no one from the agency makes them prove it.

No one checks whether they’re telling the truth about their background. There’s no vehicle inspection, test, or in-person safety audit before a new company is allowed to put vehicles 20 times the size of passenger cars out on the highway.

This means that companies operate unproven during their early, formative months in business, the very time when they are most in need of oversight. Federal statistics from 2015 show that new companies have a crash rate almost 60 percent higher than established ones.

*9. Attempts to bolster trucking oversight have also fallen short*

The National Transportation Safety Board sees itself as “the conscience and the compass of the transportation industry,” but it doesn’t regulate the industry. Since 1971, the federal agency has been issuing and reissuing the same plaintive warning: The regulatory system that is supposed to keep trucking safe is full of loopholes that cost lives.

In 2020, the Department of Transportation spent 25 times more overseeing aviation than trucking, reflecting, in part, the headline-grabbing nature of plane crashes that make air safety a national focus. By contrast, trucking disasters that kill two or four or six at a time rarely capture the nation’s attention, and there is little public pressure for change.

**Letter of March 10, 2021, from Gary Biller, President and Chief Executive Officer, National Motorists Association (NMA), and Legislative Text of NMA’s Driver Education Through Enforcement Response (DETER) Act, Submitted for the Record by Hon. David Rouzer**

NATIONAL MOTORISTS ASSOCIATION,  
1001 ARBORETUM DRIVE, SUITE 120,  
Waunakee, WI 53597–2670, March 10, 2021.

Chair ELEANOR HOLMES NORTON,  
*House Subcommittee on Highways and Transit,*  
*2167 Rayburn House Office Building, U.S. House of Representatives, Washington, DC.*

Re: Testimony for the Record  
Subcommittee Hearing: Examining Equity in Transportation Safety Enforcement  
Submitted by the National Motorists Association

DEAR CHAIR ELEANOR HOLMES NORTON,

Members of the National Motorists Association—an alliance of thousands of motorists across the United States who advocate for traffic standards based on fairness and safety—watched the Subcommittee’s February 24, 2021, *Examining Equity in Transportation Safety Enforcement* hearing with great interest.

The Section 402 grant program administered by the National Highway Traffic Safety Administration provides funding to the states for initiatives that reduce highway casualties through education and enforcement. As currently codified, Section 402 requires states to report annually on predefined performance measures so that they can qualify for further traffic safety grants.

Included in those measures are the following three ticketing activities:

A-1 ..	Number of seat belt citations issued during grant-funded enforcement activities.	Grant activity reporting.
A-2 ..	Number of impaired-driving arrests made during grant-funded enforcement activities.	Grant activity reporting.
A-3 ..	Number of speeding citations issued during grant-funded enforcement activities.	Grant activity reporting.

The current federal rules that NHTSA must abide by are explicit: Issue a specific volume of traffic tickets or risk losing federal grant money.

More than 20 states have made ticket quotas illegal. Section 402 rules, however, give them cover: It is mandatory to report on ticketing activity levels to receive federal safety grants. The success in securing future grants is predicated on efficiency in issuing citations, not in showing reductions in traffic accidents and fatalities. In actuality, those grant monies should be awarded based on measurable safety improvements and not on how many tickets are handed out each year.

States should be encouraged to concentrate their efforts on educational and enforcement safety programs that are not based on meeting prescribed ticketing levels. To that end, we urge members of the House Committee on Transportation and Infrastructure to support adding the NMA’s *DETER (Driver Education Through Enforcement Response) Act* language in the Transportation Infrastructure Act of 2021 as follows:



“Amend Title 23. Highways, Chapter 4. Highway Safety, Section 402. Highway safety programs of the United States Code by replacing subparagraph (k)(5) in its entirety as follows:

(5) Performance Measures

*For highway safety plans submitted under this subsection, the performance measures required by the Secretary under paragraph (4)(A) shall be limited to casualty and crash-rate improvements. Funded enforcement campaigns may focus on maintaining a visible police presence to influence safe driving behaviors by the public but the Secretary shall ensure that the use of ticketing activity such as the number of traffic stops made, the number of tickets issued, or the number of arrests made shall not be used to determine federal grant fund awards to state or local agencies.”*

Doing so will substantially reduce quota-based police interactions. We would be pleased to provide additional information on this matter or answer any questions you might have.

Sincerely,

GARY BILLER,  
President/CEO.

cc: Chairman Peter A. DeFazio, Transportation and Infrastructure Committee  
Members of the Highways and Transit Subcommittee  
Attachment: Legislative Text, DETER Act

NATIONAL MOTORISTS ASSOCIATION'S DRIVER EDUCATION THROUGH ENFORCEMENT  
RESPONSE (DETER) ACT

H.R. \_\_\_\_\_

A BILL

To reinforce the stated purpose of state highway safety programs per Title 23, Section 402 of the United States Code (“to reduce traffic accidents and the resulting deaths, injuries, and property damage”), to eliminate incentives that create traffic ticket and arrest quotas, and to emphasize the driver education role of police-presence campaigns.

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled.*

SECTION 1. SHORT TITLE

This Act may be cited as the “Driver Education Through Enforcement Response” or DETER Act.

SECTION 2. FINDINGS

Congress finds that—

The primary purpose of highway safety grant funding is to improve safety by reducing traffic violations, decreasing the number of traffic collisions, and preventing (detering) serious injury and property damage through the education of drivers.

SECTION 3. IMPROVING DRIVER SAFETY EDUCATION BY POLICE RESPONSE AND PROHIBITING FUNDING ACTIVITIES BASED ON TRAFFIC TICKET AND ARREST QUOTAS.

Amend Title 23. Highways, Chapter 4. Highway Safety, Section 402. Highway safety programs of the United States Code by replacing subparagraph (k)(5) in its entirety as follows:

(5) Performance Measures

For highway safety plans submitted under this subsection, the performance measures required by the Secretary under paragraph (4)(A) shall be limited to casualty and crash-rate improvements. Funded enforcement campaigns may focus on maintaining a visible police presence to influence safe driving behaviors by the public but the Secretary shall ensure that the use of ticketing activity such as the number of traffic stops made, the number of tickets issued, or the number of arrests made shall not be used to determine federal grant fund awards to state or local agencies.

## APPENDIX

---

QUESTION FROM HON. FREDERICA S. WILSON TO LARRY SANDIGO, FORMER CHAIR, COMMUNITY ADVISORY BOARD FOR *MELENDRES V. ARPAIO*, MARICOPA COUNTY, ARIZONA

*Question 1.* Adequately addressing transportation equity is a complex, intersectional process that requires long-term commitment from the government and stakeholders.

Would you all support the establishment of an advisory committee within the Department of Transportation that would advise the Secretary on policies to promote transportation equity?

*ANSWER.* Yes, I completely support the establishment of an advisory committee within the Department of Transportation that would advise the Secretary on policies to promote transportation equity. Having served on an advisory committee that dealt with equity issues in traffic enforcement, there are a few factors that would help the success of such a committee:

- The committee must have the full support of the Secretary and leadership in the Department, and that support must be communicated to both internal staff and external stakeholders.
- The committee should have the resources and access needed to be successful. That would include staff support, a meaningful budget, and robust access to all aspects, such as documents, reports, internal data, etc., and units within the Department that deal with equity.
- The Department should consult and deliberate with the committee in a meaningful way early in the process of formulating policies and procedures.
- The Department should provide a feedback loop that demonstrates how the Department incorporated the committee's advice and recommendations in its policies.
- The Department should provide a staff point of contact that has sufficient stature and influence to advocate for the committee's recommendations.
- The committee must be composed of people who have expertise and experience, both professional and lived, with the policies of the Department. The Department should also prioritize having committee members who have been directly impacted by inequities in transportation policies.

QUESTIONS FROM HON. SETH MOULTON TO LORRAINE M. MARTIN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL SAFETY COUNCIL

*Question 1.* Ms. Martin, you testified that there were 39,107 people killed in motor vehicle incidents in the United States in 2019 and that those deaths are preventable.

To that end, would you support measures to expand the use of 405(c) Traffic Safety Information Systems grants to match the statutorily-stated purpose and improve interoperability and data sharing between state and national data systems?

*ANSWER.* Improved data sharing can definitely help ensure that problematic drivers are unable to move to another state and be licensed to drive there and that infractions in other states are reported to a driver's licensing state. Clarifying that this grant funding can be used for improving interoperability of data systems would be helpful for states that would like to use it for this purpose.

*Question 2.* Ms. Martin, seven of the 2019 deaths occurred on June 21 when an impaired Massachusetts driver plowed into a group of motorcyclists—all Marine veterans and their significant others—as they traveled to a charity event in New Hampshire. That driver had out-of-state driving infractions, including a DUI in Connecticut, that should have resulted in the loss of his license. When Connecticut sent a paper notice to the Massachusetts Registry of Motor Vehicles; however, it went

unopened along with thousands of others, allowing unsafe drivers to remain on the road.

In an age when our phone notifications remind us where we parked or tell us how many steps we've taken that day, would you support this committee taking steps to help states move beyond paper and send out-of-state driving infraction notices to the driver's licensing state through digital or automatic notices?

*ANSWER.* Electronic transfer of data allows for real-time sharing of notifications if all systems can communicate in this manner. In order to reach the goal you have outlined, states may need financial support to purchase equipment and training, and Congress could outline the use of federal funding by states to support real-time transfer of data and information in the reauthorization bill.

*Question 3.* Ms. Martin, following the death of those seven individuals, I introduced the SAFE DRIVERS Act of 2019 to take these steps and bring our traffic safety information systems into the 21st century. The following year, the Boston Globe's Spotlight ran a series highlighting this as a national problem, beyond the tragedy that first brought it to my attention.

Would you recommend Congress adopt provisions within H.R. 2 to meet the goals of the SAFE DRIVERS Act as I've outlined for you?

*ANSWER.* Yes, as you have outlined, there are several ways that better and faster reporting of safety data could improve safety for all roadway users. This goal is something Congress should enact when it reconsiders a surface transportation reauthorization bill.

QUESTION FROM HON. NIKEMA WILLIAMS TO LORRAINE M. MARTIN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL SAFETY COUNCIL

*Question 4.* Ms. Martin, in your written testimony, you discuss the "safe system" approach to roadway and infrastructure design. I believe it is an important concept to work into our roadway planning and design.

Can you discuss how the safe system approach would promote safety and equity?

*ANSWER.* The Safe System approach offers an alternative to sole dependence on enforcement and individual drivers for safety and, implemented equitably, could address historic problems in safety investment. The Safe System approach reduces the need for law enforcement by making roads and vehicles self-enforcing. It also protects against human error, lessening the dependency on individual behavior of both roadway users and those enforcing transportation safety laws.

This approach also takes into account all roadway users, including bicyclists and pedestrians and does not prioritize one mode of transportation over any others. With exponentially increasing fatalities among vulnerable road users as opposed to those inside vehicles, the safe system approach ensures that the safety of all people, no matter how they choose to be mobile, is prioritized.

The National Safety Council (NCS) outlines the safe system approach in this policy position (<https://www.nsc.org/getattachment/cbffc278-6c2b-4c16-ad11-959201b2755e/T-Safe-Systems-149>) in which we support the application of Safe System approaches to road safety in local, state, federal, and private sector transportation policies.

NSC supports provisions in the Moving Forward Act that prioritize the safe system approach in planning and engineering of our existing and new roadways within the Highway Safety Improvement Program (HSIP). We also support seeking opportunities for greater inclusion, beyond HSIP, of the safe system approach in the reauthorization bill that the 117th Congress will introduce.

QUESTIONS FROM HON. STEVE COHEN TO LORRAINE M. MARTIN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL SAFETY COUNCIL

*Question 5.* In 2019, 3,142 people were killed in crashes involving a distracted driver, a nearly 10% increase from the previous year. Additionally, crashes in which at least one driver was identified as being distracted imposed an economic cost of \$40 billion in 2010. And yet, these crashes are known to be underreported because of differences in police crash report coding, database limitations, and other challenges. It is clear from an increasing body of safety research, studies and data that the use of electronic devices for telecommunications (such as mobile phones and text messaging), telematics and entertainment can readily distract drivers from the driving task. Crash risk increases dramatically—as much as four times higher—when a driver is using a mobile phone, with no significant safety difference between hand-held and hands-free phones observed in many studies. Further, given the rapid growth of smart phone capability and usage and the broadening range of distracting electronic communication platforms and options (including apps, social media, gam-

ing, video chatting), device use may now be accomplished without holding or consistently physically engaging with a device (voice-to-text and/or dash mounted option).

How can Congress help address the problem of distracted driving?

**ANSWER.** Distracted driving is a danger to all roadway users and the full extent of the problem is unknown. Distraction caused by talking on the phone, browsing the internet, using apps, texting, and use of other electronic devices, including in-vehicle systems while driving, puts all roadway users at risk. NSC believes there is much more that policymakers, auto manufacturers, and all road users can do to curb the epidemic of distraction on our roadways. Our “Distraction on the Roadways” Policy Position (<https://www.nsc.org/getattachment/24fab695-e1e0-485d-88e2-8e9b4ffa6266/t-distraction%20on%20the%20roadways%20-%20166>) outlines several steps we would recommend:

- A multi-pronged approach is necessary to change driver behavior when it comes to distracted driving, including stronger laws, effective enforcement and widespread education.
- Policymakers should pass strong laws prohibiting the use of electronic devices while driving, including primary enforcement, and allow for robust, equitable enforcement and public education efforts.
- Vehicle and smartphone manufacturers should default to “driving” modes for vehicle devices and in-vehicle technology.
- Prioritizing the Safe System approaches can help mitigate many of these risks, especially as it pertains to building safer infrastructure with all roadway users in mind. The approach requires the involvement of all transportation system participants in safety efforts, and seeks to strengthen safety in all aspects of the roadway transportation system so that if one part fails, the others will still protect people from death or serious injury. NCS outlines the Safe System approach in this policy position (<https://www.nsc.org/getattachment/cbffc278-6c2b-4c16-ad11-959201b2755e/T-Safe-Systems-149>) in which we support the application of Safe System approaches to road safety in local, state, federal, and private sector transportation policies.
- Improved roadway user distraction data is needed. NSC supports efforts by state and federal agencies to collect and report this data.

However, NSC does not support the utilization of these types of laws to target specific populations, as outlined in our equity policy position (<https://www.nsc.org/getattachment/757d2d64-8b77-4997-8fb4-97d004188acf/t%20equity%20in%20transportation%20165>), or to achieve anything other than the intended goal: to improve safety for all roadway users.

Currently, Congress incentivizes States to curb distracted driving through the NHTSA Section 405(e) grant program. NSC worked with the Governors Highway Safety Association (GHSA) to amend the current grant structure in hopes of more states passing distracted driving laws. Currently:

- 24 States and DC ban hand-held devices for all drivers;
- 6 States had partial hand-held device bans for drivers (in certain zones and/or for certain license holders); and
- 36 States and DC restrict all cellphone use for drivers under 18.

We hope this NSC and GHSA proposal will be adopted by Congress in the reauthorization bill and will encourage more states to strengthen distracted driving laws to save lives.

**Question 6.** You have endorsed the SAFE TO DRIVE Act. Can you expand on how it and state laws more broadly can be improved to account for the distracting capabilities that many phones now feature and what role can Congress play in encouraging that action?

**ANSWER.** NSC is proud to support the SAFE TO DRIVE Act. If enacted, this legislation will incentivize States to make violations of distracted driving laws a primary-enforced offense and prohibits texting and non-navigational use of a personal wireless communications device.

Distracted driving is a danger to all roadway users and the extent of the problem is unknown. Distraction caused by talking on the phone, browsing the internet, using apps, texting, and use of other electronic devices, including in vehicle systems, while driving puts all roadway users at risk. NSC believes there is much more that policymakers, auto manufacturers, and all road users can do to curb the epidemic of distraction on our roadways. Our “Distraction on the Roadways” Policy Position (<https://www.nsc.org/getattachment/24fab695-e1e0-485d-88e2-8e9b4ffa6266/t-distraction%20on%20the%20roadways%20-%20166>) outlines several steps we would recommend:

- NSC believes that a multi-pronged approach is necessary to change driver behavior when it comes to distracted driving, including stronger laws, effective enforcement, and widespread education.
- Policymakers should pass strong laws prohibiting the use of electronic devices while driving and allow for robust, equitable enforcement and public education efforts.
- Vehicle and smartphone manufacturers should default to “driving” modes for vehicle devices and in-vehicle technology.
- Prioritizing the Safe System approaches can help mitigate many of these risks, especially as it pertains to building safer infrastructure with all roadway users in mind. The approach requires the involvement of all participants in the roadway transportation system in safety efforts and seeks to strengthen safety in all aspects of the roadway transportation system so that if one part fails, the others will still protect people from death or serious injury. The National Safety Council (NSC) outlines the safe system approach in this policy position (<https://www.nsc.org/getattachment/cbffc278-6c2b-4c16-ad11-959201b2755e/T-Safe-Systems-149>) in which we support the application of Safe System approaches to road safety in local, state, federal, and private sector transportation policies.
- Improved data related to distraction of roadway users is needed. NSC supports efforts by state and federal agencies to collect and report this data.

However, NSC does not support the utilization of these types of laws to target specific populations, as outlined in our equity policy position (<https://www.nsc.org/getattachment/757d2d64-8b77-4997-8fb4-97d004188acf/t%20equity%20in%20transportation%20165>), or to achieve anything other than the intended goal: to improve safety for all roadway users.

As stated, we need states to strengthen their distracted driving laws in general. As is outlined in the NSC “Understanding Driver Distraction” white paper (<https://www.nsc.org/road-safety/safety-topics/distracted-driving/distracted-brain>), research shows that any driver use of electronic devices increases cognitive distraction—the inability to focus on a primary task such as driving. The human brain is not capable of multitasking, or doing two things at once. Instead, the brain is constantly attention-switching between the two tasks, never giving full focus to either one. Driving is a complex task that could change at any moment, and if a driver is not fully focused on the driving task, the driver could cause a fatal crash. NSC encourages all States to adopt primary enforced laws banning all non-navigational driver use of electronic devices, particularly for novice drivers.

QUESTIONS FROM HON. FREDERICA S. WILSON TO LORRAINE M. MARTIN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL SAFETY COUNCIL

*Question 7.* Ms. Martin, you mention in your testimony the lack of safety improvements in low-income neighborhoods despite people of color being overrepresented in fatal crashes involving pedestrians.

In your opinion, what is the driving factor preventing local governments from implementing similar basic safety features that are more common in wealthier neighborhoods?

*ANSWER.* Infrastructure design varies among neighborhoods. Historically, there has been an underinvestment in safety infrastructure in low-income areas, and this underinvestment leads to less safe streets for all roadway users. We encourage transportation planners and engineers to examine all areas for safety improvements, and especially those that have high crash incidents. In my testimony, I provided an example of a city that mapped where most of its fatal crashes occurred, and it was on just 13% of the city’s street miles. Using this data, city planners had clear line of sight on where to focus resources. Reviews like this can be done in any state and city to use data to focus limited resources.

Additionally, we encourage policymakers to adopt a safe system approach to roadway design. When implemented equitably, this approach could address historic problems in safety investment. The Safe System approach can reduce the need for enforcement by making roads self-enforcing.

*Question 8.* And how can the federal government become a partner in addressing this issue?

*ANSWER.* Provisions of H.R.2 from the 116th Congress took important steps to help. These steps include:

- Defining the safe system approach
- Incorporating safe system into roadway planning decision
- Prioritizing vulnerable road user safety projects

- Authorizing a GAO study on the impact of transportation design on marginalized communities

We support continued inclusion of these provisions in the 117th Congress legislation and know there are additional ways to incorporate equity and the safe system approach into the authorization bill. We look forward to working with you on these suggestions.

*Question 9.* Adequately addressing transportation equity is a complex, intersectional process that requires long-term commitment from the government and stakeholders.

Would you all support the establishment of an advisory committee within the Department of Transportation that would advise the Secretary on policies to promote transportation equity?

*ANSWER.* The National Safety Council (NSC) was honored to be included in this hearing to examine equity in transportation safety enforcement. This conversation is long overdue and forces all stakeholders to take a critical eye to the way things have been done. Last year, NSC adopted an Equity in Transportation Policy Position that examined this issue, acknowledging we can do more (<https://www.nsc.org/getattachment/757d2d64-8b77-4997-8fb4-97d004188acf/t%20equity%20in%20transportation%20165>).

Federal Advisory Committees do provide an important mechanism for input on topics from a range of stakeholders. NSC supports establishing a federal advisory committee on equity in transportation at U.S. Department of Transportation, and we would be honored to participate in it.

QUESTIONS FROM HON. RODNEY DAVIS TO LORRAINE M. MARTIN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL SAFETY COUNCIL

*Question 10.* We have struggled as a country with the problem of impaired driving for decades. With increases in substance use, it is possible drug impaired driving has increased, but we unfortunately do not have good data.

Is there more we can do to better understand impaired driving, including drug impaired driving?

*ANSWER.* We know that impaired driving, including drug impaired driving, is a serious problem in our country. The Centers for Disease Control and Prevention (CDC) found that 12 million people aged 16 and older reported driving under the influence of marijuana in the past year, and 2.3 million people aged 16 and older reported driving under the influence of illicit drugs other than marijuana.<sup>1</sup>

Substance abuse is a complex problem, and good data are needed to develop effective solutions. During the last national roadside survey conducted by NHTSA in 2013–2014, the percentages of weekend nighttime drivers who tested positive for alcohol, marijuana and illicit drugs were 8.3%, 12.6% and 15.1%, respectively.<sup>2</sup> These results are the most comprehensive, national data available on impaired driving. The national roadside survey is a key tool for understanding impaired driving on U.S. roads. NSC implores Congress to remove barriers to conducting this survey because it is hard to stop deadly driving when policymakers do not fully understand where and how it is happening.

Additionally, we do not have standardized data for a clear understanding of the problem of impaired driving. Consensus standards have been established based on the prevalence of drugs found in current testing, with recommendations to states to test for most common drugs, and this list will be updated later this year. The first tier includes the most common, readily detectable drugs that account for the greatest number of impaired driving cases found by most laboratories. The second tier are emerging drugs, which are less frequently detected or require special testing equipment or technology that should be considered in cases where testing for tier 1 drugs is negative.

These recommendations have been voluntarily adopted by more than 50 of the most active laboratories in the country and the toxicology community is working towards fuller adoption as a way to provide more uniform and comprehensive testing and more reliable epidemiological data on the severity of drug-impaired driving. We encourage Congress to help implement common testing across all states to ensure we have the best data in order to understand and develop effective countermeasures for drug-impaired driving.

<sup>1</sup> <https://www.cdc.gov/mmwr/volumes/68/wr/mm6850a1.htm>

<sup>2</sup> <https://www.nhtsa.gov/behavioral-research/2013-14-national-roadside-study-alcohol-and-drug-use-drivers>

*Question 11.* Do you think the Committee should continue to allow States to expend NHTSA grants on traffic enforcement activity? If so, what impact would that have on safety?

*ANSWER.* Yes, enforcement is an important and integral part of roadway safety, and it must be conducted in a fair and equitable manner. High visibility enforcement (HVE) campaigns, in which well-publicized, concentrated and purpose-driven enforcement is combined with highly-visible education efforts, have been demonstrated to result in safer driving, and here are a few examples of these programs.

- High visibility campaigns like “Click it or Ticket” resulted in a 20% increase of observed seat belt use in a 16-year period.<sup>3</sup>
- Speed camera installation reduced speeding by 14% at camera sites, and the proportion of vehicles exceeding the speed limit by more than 10 miles per hour decreased by 82%.<sup>4</sup> In 2014, DC reported that on average, collisions and injuries in the camera vicinity have decreased by 17% and 20% respectively in the three years following installation, compared with the three preceding years.<sup>5</sup>
- Several studies have found that highly visible sobriety checkpoint programs, a common impaired driving strategy, have achieved 10 to 20 percent reductions in alcohol-related crashes. (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3256786/>; <https://www.iihs.org/topics/alcohol-and-drugs#alcohol-enforcement>)
- NHTSA has found that HVE campaigns to enforce handheld cell phone bans can reduce observed phone use behind the wheel. ([https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812108\\_evaluationdistracteddrivingca-de.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812108_evaluationdistracteddrivingca-de.pdf))

QUESTIONS FROM HON. MIKE GALLAGHER TO LORRAINE M. MARTIN, PRESIDENT AND CHIEF EXECUTIVE OFFICER, NATIONAL SAFETY COUNCIL

*Question 12.* In terms of distracted driving grants, what changes do you recommend to effectively curb distracted driving?

*ANSWER.* NSC supports NHTSA Section 405 grants, dedicated to priority programs addressing persistent killers on our roadways, with requirements and incentives that states must meet to qualify for funding. Section 405(e) grants are focused on distracted driving.

NSC is proud to support the SAFE TO DRIVE Act. If enacted, this legislation will incentivize States to make violations of distracted driving laws a primary-enforced offense and prohibits texting and non-navigational use of a personal wireless communications device. Additionally, it may allow for some states that would otherwise not be eligible, to qualify for these funds by enacting simple laws to curb distracted driving.

We have also worked with the Governors Highway Safety Association (GHSA) on provisions to amend section 405(e). This proposal encourages states to enact primary enforcement laws, allow for flexibility on fines, and other provisions. We look forward to working with you to enact these amendments into law.

*Question 13.* For FY2020, 17 states applied for distracted driving grants, but only 7 qualified to receive them. What do you think is the reason for this disparity and how can it be rectified?

*ANSWER.* NSC supports the Committee requiring greater transparency from NHTSA when grant applications are rejected and providing technical assistance to states for correcting eligibility gaps through increased NHTSA engagement.

*Question 14.* In terms of equity, does the National Safety Council track how distracted driving grants can be used by states to reduce traffic fatalities of minorities and marginalized groups? If so, what are the findings?

*ANSWER.* NSC is not aware that racial data is available for distracted driving fatalities. We know that strong laws change behavior behind the wheel, and other factors make a difference too. The April 2021 distracted driving awareness month (DDAM) survey conducted by NSC shows that passengers influence a driver’s behavior. Results showed that parents are less likely to use distracting technology when their children are in the vehicle with them.

Likewise, a DDAM survey from 2016 showed that employees feel pressure to answer a call, text or other communication from an employer when behind the wheel, with 54% of drivers being distracted because of work-related pressure. This is why we encourage all drivers to take our Just Drive pledge during Distracted Driving

<sup>3</sup> <https://www.ems.gov/pdf/811232.pdf>

<sup>4</sup> <https://www.dcpolicycenter.org/publications/speed-cameras-in-d-c/>

<sup>5</sup> <https://www.dcpolicycenter.org/publications/predominately-black-neighborhoods-in-d-c-bear-the-brunt-of-automated-traffic-enforcement/>



Awareness Month every April. We also encourage all employers to enact a distracted driving policy banning all employee use of electronic devices while they are driving. Employers can and should be at the forefront of a cultural change to make the use of in-vehicle technology while driving unacceptable. People outside the vehicle—whether employers, family members, or friends—can help drivers be safer by not contacting them when they know people are driving.

QUESTION FROM HON. FREDERICA S. WILSON TO MICHELLE RAMSEY HAWKINS, VICTIM, SURVIVOR, AND VOLUNTEER, MOTHERS AGAINST DRUNK DRIVING

*Question 1.* Adequately addressing transportation equity is a complex, intersectional process that requires long-term commitment from the government and stakeholders.

Would you all support the establishment of an advisory committee within the Department of Transportation that would advise the Secretary on policies to promote transportation equity?

*ANSWER.* Thank you, Representative Wilson, for this question. Yes, I would wholeheartedly support the establishment of an advisory committee within the Department of Transportation that would advise the Secretary on policies to promote transportation equity. The purpose of my testimony on February 24, 2021 was not only to tell my story but to bring awareness to the needs of transportation equity and specifically how we can identify and promote fair and just traffic safety enforcement.

MADD would like to continue to have a seat at the table as discussions on equity and traffic safety enforcement move forward, and data-driven solutions are identified. Traffic crash victims, including survivors who are also people of color, deserve to be heard.

The advisory committee should consist of a diverse group of individuals and organizations seeking equitable change for society as a whole, and not just for a particular group or population. Members of this advisory committee should speak for all and not for some in its representation—including stakeholders who are part of the mezzo, macro and micro populations of our country.

Thank you again for this opportunity.

QUESTIONS FROM HON. PETER A. DEFazio TO KEN BARONE, PROJECT MANAGER, INSTITUTE FOR MUNICIPAL AND REGIONAL POLICY, CENTRAL CONNECTICUT STATE UNIVERSITY

*Question 1.* Mr. Barone, your testimony notes that while the primary motivation behind your work has been to identify and address racial and ethnic disparities in traffic enforcement, you soon realized that addressing these disparities also had a significant impact on the effectiveness of traffic safety.

Are other States hoping to achieve similar outcomes using this approach? How can this Committee support State efforts to achieve these outcomes?

*ANSWER.* Connecticut's approach to addressing racial and ethnic disparities in traffic enforcement has been replicated, in some form, by California, Oregon, and Rhode Island. Since 2000, at least 24 states have required the collection and analysis of traffic stop data. Unfortunately, most of the 24 states were not using the most advanced analytical tools to evaluate disparities in the data. Based on advancements made in the research in recent years, I believe there is a strong interest by many of the 24 states for reauthorizing or enhancing their programs. In recent months, we have engaged with the Council of State Governments to identify at least 10 other states that may be interested in replicating Connecticut's approach, with the support of the Section 1906 program.

The Committee can support State efforts in the following ways:

1. Considering the continued social unrest around policing in the United States, the section 1906 program is more vital than ever. Reauthorization and expansion of the program will allow states like Connecticut to build upon our success and continue to collaboratively and transparently work towards a more fair and just society. Under the Section 1906 program, eligible states cannot receive more than 5% of the total annual funding. That amounts to no more than \$375,000 per state (regardless of size). Additional funding for States could go a long way in helping to develop and maintain robust data collection and analysis programs. Federal funding would be vital to developing programs that take a hands-on approach for identifying the underlying drivers of disparities and working with police departments to find strategies to help mitigate those disparities.
2. The Section 1906 program would benefit from a technical advisor to work with the National Highway Traffic Safety Administration (NHTSA) to help addi-

tional states develop data collection and analysis programs and navigate the Section 1906 program requirements. This would create a more uniformed approach and allow for national and state by state comparisons.

3. New states interested in participating in the program may need time to assess their technical capabilities and ensure that state regulations/statutes meet the program criteria. Allowing states to access one-time funding through a planning grant is a great way to incentivize states to explore the feasibility of the program. Some states may realize that much of the infrastructure is already in place.
4. The Department of Transportation and NHTSA should develop plans to conduct a national study to guide local law enforcement agencies on strategies that they can use to increase roadway safety and reduce/eliminate racial disparities.

*Question 2.* Mr. Barone, your findings indicate that racial disparities in traffic enforcement in Connecticut have largely been driven by police enforcement of lower level vehicle equipment and administrative violations, such as a broken taillight.

Does the data show a correlation between ticketing drivers for equipment or administrative violations and preventing traffic crashes?

*ANSWER.* We have not found any correlation between ticketing (or stopping) drivers for equipment or administrative violations and preventing traffic crashes. There are over 30,000 fatal motor vehicle crashes in the United States each year. In 2019, there were 255 fatal crashes in Connecticut. During that same period, there were over 112,000 reported motor vehicle accidents in the state. A review of Connecticut's motor vehicle crash data between 2015 and 2019, indicates that excessive speed was the leading contributing factor in crashes (29% of crashes). Meanwhile, motor vehicle equipment issues (i.e. brakes, tires, power train, suspension, lights, windows, mirrors, etc.) were a contributing factor in approximately 12% of accidents. There is no data on crashes related to administrative offenses because they do not affect the data. The largest contributing factors in crashes involving an injury was failure to stay in the lane and following too closely.

Based on our research, it does not appear that the types of equipment violations being enforced in Connecticut relate in any significant way to the types of equipment issues that are identified as contributing to accidents. On average, equipment-related violations account for 14% of all traffic stops. On its face it may appear to mirror the percentage of crashes where an equipment issue was a contributing factor, but the data does not support this conclusion. Of the equipment-related stops, defective lighting accounts for 9.4% of stops, but is only identified as a contributing factor in 0.1% of accidents. Stops for a display of plate violations account for 3.2% of all traffic stops but are not a contributing factor in accidents. Lastly, window tint and windshield obstruction violations account for 1.4% of all traffic stops but is only identified as a contributing factor in less than 0.1% of accidents. The most common equipment issues reported that contributed to a motor vehicle accident were related to brakes, steering, power train, or tires. The equipment violations that can be easily observed by a police officer (i.e. defective lights, windshield obstruction, and excessive window tinting), are not the equipment issues that contribute to motor vehicle accidents.

QUESTIONS FROM HON. FEDERICA S. WILSON TO KEN BARONE, PROJECT MANAGER,  
INSTITUTE FOR MUNICIPAL AND REGIONAL POLICY, CENTRAL CONNECTICUT STATE  
UNIVERSITY

*Question 3.* Mr. Barone and Mr. Sandigo, you both mentioned in your testimonies the role of data in improving police practices. However, this is only one piece of a complex puzzle to improve practices and community relations.

How can Congress help local departments and communities make meaningful changes to improve disparities in policing?

*ANSWER.* Local police departments and the communities they serve must engage in an ongoing dialogue about how to improve racial and ethnic disparities in policing. For too long, conversations between police and the community have been grounded by anecdotal evidence. Although sharing personal stories about police interactions is important, it can sometimes serve to further divide the police and community. One way Congress can ensure that these conversations are grounded by data is to consider reauthorization and expansion of the Section 1906 program.

Congress should consider incentivizing states that participate in the Section 1906 program to go beyond simply collecting data. States would greatly benefit from a process that not only analyzes data but identifies departments with the most significant racial and ethnic disparities for further intervention. States should use the

analysis to hold data-driven conversations between stakeholders to enact reforms to mitigate future disparities.

Connecticut has found a lot of success in our hands-on approach for identifying the underlying drivers of disparities and finding strategies to help mitigate them. Engaging stakeholders throughout the intervention process has allowed advocates, law enforcement, academics, and government officials to come together in ways unimaginable even a decade ago. What previously had been a war of anecdotes has been transformed into a constructive data-driven conversation about policy. Stakeholders and policing administrators now regularly attend panel conversations around the state and speak in similar tones about the statewide effort. The vitriol is gone from most conversations and has been replaced by a focus on what more can be done.

*Question 4.* Based on your experiences, what is the best way to establish a productive relationship between police and community advisory boards?

*ANSWER.* The best way to establish a productive relationship between police and community advisory boards is to ensure that all stakeholders are at the table at all points in the process: from the development of the method used to implement a racial profiling law, to discussing results from any annual analysis or potential reforms. Connecticut's success is largely due to the active participation of a statewide 20-member advisory board. Advisory board members consist of advocates, law enforcement administrators, academics, policymakers, and community members. The advisory board was initially established to help with the development, implementation, and oversight of our program. In time we have found it to be extremely important that the board is transparent, inclusive, and readily accessible to the public. Having a fair broker in the chair role has also been helpful in keeping the group together. Commitment to the process is key as well, as this ensures everyone works together towards common goals. The value of developing relationships cannot be understated; in Connecticut we've had many of the same members of our advisory board since the project began in 2011.

Since its inception in 2012, a major focus for the board has been to find ways to engage communities and local law enforcement officials in a meaningful dialogue about racial and ethnic profiling. The advisory board has successfully hosted community forums with local law enforcement officials for almost a decade. During these forums, an independent set of recommendations is presented by researchers and the public is given an opportunity to provide input as to their efficacy. The value added of this approach is that it allows for a transparent data-driven dialogue between stakeholders and policing administrators about how specific enforcement policies contribute to observed patterns of disparity.

*Question 5.* Adequately addressing transportation equity is a complex, intersectional process that requires long-term commitment from the government and stakeholders.

Would you all support the establishment of an advisory committee within the Department of Transportation that would advise the Secretary on policies to promote transportation equity?

*ANSWER.* Absolutely. I think an advisory committee within the Department of Transportation and the National Highway Traffic Safety Administration would greatly benefit policies developed by the agency in promoting transportation equity.

QUESTION FROM HON. RODNEY DAVIS TO KEN BARONE, PROJECT MANAGER, INSTITUTE FOR MUNICIPAL AND REGIONAL POLICY, CENTRAL CONNECTICUT STATE UNIVERSITY

*Question 6.* Your testimony mentions that racial and ethnic disparities are greatest when law enforcement focuses more on lower level equipment and administrative violations. To address this disparity, a Connecticut town successfully focused its enforcement efforts on hazardous driving behaviors.

How has this change affected community and police relations and traffic safety?

*ANSWER.* As I mentioned in my testimony, in Connecticut we have found that racial and ethnic disparities in traffic enforcement have largely been driven by police enforcement of lower level equipment and administrative violations. Our annual traffic stop assessment has consistently found that racial and ethnic disparities are significantly decreased when law enforcement primarily focus on safety-related violations. We also know that safety-related motor vehicle violations are significantly more likely to be a contributing factor in motor vehicle crashes.

The Connecticut town referenced in my written testimony that shifted their enforcement strategy from a significant focus on low level equipment and administrative violations to a focus on hazardous driving behaviors reported that these

changes coincided with a falling crime rate (5%) and decreased rate of accidents (10%). The department also reported stronger relationships with the community following our intervention. One reason for the improved relationship was because community stakeholders were engaged with the police administration in a dialogue about the factors driving the disparity. Our data analysis helped to guide the conversation, but ultimately reforms were the result of conversations between the community and police.

Initially, there was skepticism on the part of police that shifting their focus away from low level equipment and administrative violations would result in anything other than increased crime. Community members were also skeptical that police would truly embrace the reforms and not simply substitute one low level traffic violation for another. Law enforcement skepticism disappeared when the data revealed that crime and accidents were down following the change in enforcement practices. Community skepticism also diminished as the community felt the benefits of safer streets and a significant decrease in racial and ethnic disparities.

With additional and more flexible funds available through the 1906 program, states could also benefit from implementing regular community surveys and other qualitative and quantitative methods to assess changes and determine their impact on traffic safety, community perception and police/community relations.

QUESTIONS FROM HON. PETER A. DEFazio TO RASHAWN RAY, PH.D., PROFESSOR OF SOCIOLOGY, UNIVERSITY OF MARYLAND; EXECUTIVE DIRECTOR, LAB FOR APPLIED SOCIAL SCIENCE RESEARCH, AND FELLOW, THE BROOKINGS INSTITUTION

*Question 1.* Mr. Ray, I was interested to learn how virtual reality can be used to identify and address implicit bias when officers interact with drivers.

What are some of the disparities you've seen in your research and how have they been addressed?

*ANSWER.* Chairman DeFazio, thank you for the questions. Our research has shown that some officers exhibit racial and gender biases during traffic stops. Officers are more likely to stop, search, and use force on Black drivers relative to White drivers. As officers approach vehicles after stops, they are less likely to look into the vehicles of women as they approach the driver.

To address these disparities, The Lab for Applied Social Science Research at the University of Maryland developed an innovative virtual reality program to reduce bias and improve objectivity. Officers participate in our program and repeatedly go through virtual reality scenarios that mimic the encounters they have on a daily basis. We are able to examine officers attitudes, physiological responses (including heart rate, stress level, and eye movement), and behaviors. The more that officers go through our virtual reality training program and receive feedback from training officers, the more they improve their equitable treatment of people, regardless of race, gender, or setting, and in turn, reduce their biases.

*Question 2.* What has been the feedback from law enforcement about this approach?

*ANSWER.* The Lab for Applied Social Science Research has worked with dozens of large, medium, and small police departments across the country. In addition to providing law enforcement with feedback, they provide us with feedback on the utility and feasibility of our program.

Overwhelmingly, officers enjoy the experience and believe the training to be useful for improving objectivity and reducing bias. Additionally, officers report how realistic the virtual reality scenarios are and how much better our program is compared to their current technology-based trainings.

QUESTIONS FROM HON. FEDERICA S. WILSON TO RASHAWN RAY, PH.D., PROFESSOR OF SOCIOLOGY, UNIVERSITY OF MARYLAND; EXECUTIVE DIRECTOR, LAB FOR APPLIED SOCIAL SCIENCE RESEARCH, AND FELLOW, THE BROOKINGS INSTITUTION

*Question 3.* Mr. Ray, in your testimony you highlighted the multiple variables that your lab studies that aim to help police departments address implicit bias, including race and environmental factors.

How can your research be used to improve departmental hiring practices to employ the best talent to serve our communities?

*ANSWER.* Representative Wilson, thank you for your questions. We believe that our virtual reality program can be used as part of the background checks, in addition to continuing education and in-service training. In fact, some high-ranking officers have recommended that our program be used for during the background process. First, our program can assess potential officers whose bias and social dominance scores suggests they will be more likely to use an extreme amount of force.

Second, our program can assess which potential officers may need remedial training to reduce biases. Gaining this information on the frontend can weed out potential “bad apples” and give a police department a baseline about the competencies and decision making of its new recruits.

*Question 4.* And has your technology been used by departments to help train new police officers before they hit the streets?

*ANSWER.* Yes, our virtual reality program has been used with police cadets during their police academy training. Our program allows for early-career officers and cadets to practice the type of scenarios (traffic stops, domestic house calls, mental health calls, and store burglaries) they will encounter on the job. We find that experience improves objectivity and reduces bias so providing a program for early-career officers to obtain more repetitions will reduce their stress and improve their decision making.

*Question 5.* Adequately addressing transportation equity is a complex, intersectional process that requires long-term commitment from the government and stakeholders.

Would you all support the establishment of an advisory committee within the Department of Transportation that would advise the Secretary on policies to promote transportation equity?

*ANSWER.* Yes, I would support this advisory committee. It is important for policy-makers to understand that infrastructure and transportation extends beyond roads and the vehicles on them. It is also about the people in the vehicle who are on the roads. Understanding these complex process as well as the social and intersectional processes at play is vital.